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Note

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Chapter I

Summary

Brief overview of the judicial work of the Court

1. During the period under review, the International Court of Justice experienced a high level of judicial activity, ruling, in particular, on the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia* v. *Serbia)* (see paras. 100-109 below).

2. The Court or its President also handed down nine orders (listed in chronological order):

- by an order dated 19 September 2014, the President of the Court fixed the time limit for the filing, by the Republic of Nicaragua, of a written statement of its observations and submissions on the preliminary objections raised by the Republic of Colombia in the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)* (see paras. 150-161 below);
- by an order dated 16 October 2014, the Court fixed the time limits for the filing of initial written pleadings in the case concerning *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* (see paras. 224-232 below);
- by an order dated 19 December 2014, the President of the Court fixed the time limit for the filing, by Nicaragua, of a written statement of its observations and submissions on the preliminary objections raised by Colombia in the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)* (see paras. 162-174 below);
- by an order dated 22 April 2015, the Court, granting the request of Australia for the modification of the order indicating provisional measures, rendered on 3 March 2014, in the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*, authorized the return to Timor-Leste of all the documents and data, still sealed, that had been seized on 3 December 2013 by Australia (see paras. 175-192 below);
- by an order dated 19 May 2015, the Court extended from 16 June to 16 September 2015 the time limit for the filing of the counter-memorial by the Republic of India on the question of the jurisdiction of the Court in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)* (see paras. 205-210 below);
- by an order dated 11 June 2015, the President of the Court recorded the discontinuance, by the Democratic Republic of Timor-Leste, of the proceedings instituted by its application filed on 17 December 2013, and directed the removal of the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Da'a (Timor-Leste* v. *Australia)* from the Court's List (see paras. 175-192 below);
- by an order dated 19 June 2015, the President of the Court fixed the time limit for the filing, by the Republic of the Marshall Islands, of a written statement of

its observations and submissions on the preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)* (see paras. 218-223 below);

- by an order dated 1 July 2015, the Court decided to resume the proceedings in the case concerning *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)* with regard to the question of reparations, and fixed 6 January 2016 as the time limit for the filing, by the Democratic Republic of the Congo, of a memorial on the reparations which it considers to be owed to it by Uganda, and for the filing, by Uganda, of a memorial on the reparations which it considers to be owed to it by the Democratic Republic of the Congo (see paras. 88-99 below);

- by an order dated 9 July 2015, the President of the Court extended from 17 July to 1 December 2015 the time limit for the filing of the counter-memorial of the Islamic Republic of Pakistan on the questions of the jurisdiction of the Court and the admissibility of the application in the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)* (see paras. 211-217 below).

3. During the same period, the International Court of Justice held public hearings in the following cases (in chronological order):

(a) in the joined cases concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (see paras. 110-137 below);

(b) in the case concerning the *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)* (see paras. 138-149 below).

4. The Court was also seized of the following new contentious case: *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)* (see paras. 224-232 below).

5. On 7 August 2014, the Argentine Republic filed in the Registry of the Court a document entitled "Application instituting proceedings" against the United States of America, regarding a "Dispute concerning judicial decisions of the United States of America relating to the restructuring of the Argentine sovereign debt". Argentina contends that the United States has committed violations of Argentine sovereignty and immunities and other related violations as a result of judicial decisions adopted by United States tribunals concerning the restructuring of the Argentine public debt.

6. In its application, Argentina seeks to found the Court's jurisdiction on Article 38, paragraph 5, of the Rules of Court, which reads as follows:

> "When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

7. In accordance with this provision, the application has been transmitted to the Government of the United States, and no action will be taken in the proceedings unless and until the United States consents to the Court's jurisdiction in the case.

8. At 31 July 2015, the number of cases entered in the Court's List stood at 12:

1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*;[1]

2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*;

3. *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)*;

4. *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)*;

5. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*;

6. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*;

7. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*;

8. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*;

9. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *India)*;

10. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)*;

11. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*;

12. *Maritime Delimitation in the Indian Ocean (Somalia* v. *Kenya)*.

9. The contentious cases entered in the Court's List involve States from across all continents, including five from the Americas, four from Africa, three from Europe, two from Asia and one from Oceania. The diverse geographical origins of those cases are illustrative of the universal character of the jurisdiction of the principal judicial organ of the United Nations.

10. Cases submitted to the Court involve a wide variety of subject matters, including: territorial and maritime disputes; unlawful use of force; interference in the domestic affairs of States; violation of territorial integrity and sovereignty; economic rights; international humanitarian and human rights law; genocide; environmental damage to and conservation of living resources; and interpretation

[1] The Court delivered its judgment in the case concerning the *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* on 25 September 1997. The case nevertheless technically remains pending, given that, in September 1998, Slovakia filed a request for an additional judgment. Hungary filed a written statement of its position on the request made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The Parties have subsequently resumed negotiations over the implementation of the 1997 judgment and have informed the Court on a regular basis of the progress made.

and application of international treaties and conventions. This diversity of subject matter illustrates the general character of the jurisdiction of the principal judicial organ of the United Nations.

11. The cases that States entrust to the Court for settlement are growing in factual and legal complexity. They also frequently involve a number of phases, for example, as a result of: the filing of preliminary objections to jurisdiction or admissibility; the submission of requests for the indication of provisional measures (which have to be dealt with as a matter of urgency); applications for permission to intervene; and declarations of intervention filed by third States.

12. During the period under review, no request for an advisory opinion was submitted to the Court.

Continuation of the Court's sustained level of activity

13. Over the past twenty years, despite intensive use of new technologies, the workload of the Registry has grown considerably on account of the substantial increase in the number of cases brought before the Court and the associated incidental proceedings, as well as the growing complexity of those cases.

14. The Court has been able to respond to those new challenges thanks to the steps it has taken to enhance its efficiency.

15. Thus, the Court now sets itself a particularly demanding schedule of hearings and deliberations so that, at any given time, it may be considering several cases simultaneously, while at the same time ensuring that the numerous associated incidental proceedings are dealt with as promptly as possible. Over the past year, the Registry has sought to maintain the high level of efficiency and quality in its work to support the functioning of the Court.

16. The key role played by the Court in the system of peaceful settlement of inter-State disputes established by the Charter of the United Nations is universally recognized.

17. The Court welcomes the confidence placed in it and the respect shown to it by States, which may rest assured that it will continue to work to ensure the peaceful settlement of disputes and to clarify the rules of international law on which its decisions are based, with the utmost integrity, impartiality and independence, and as expeditiously as possible.

18. In this respect, it should be recalled that having recourse to the principal judicial organ of the United Nations is a uniquely cost-effective solution.

Promoting the rule of law

19. The Court takes the opportunity offered by the presentation of its annual report to the General Assembly to report on its role in promoting the rule of law, as it was once again invited to do by the Assembly in its resolution 69/123 of 10 December 2014.

20. The Court plays a key role in maintaining and promoting the rule of law throughout the world.

21. In this regard, the Court notes with satisfaction that the General Assembly, in its resolution 69/122 of 10 December 2014, recognized "the important role of the

International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes", and recalled that "consistent with Article 96 of the Charter [of the United Nations], the Court's advisory jurisdiction may [also] be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies".

22. The Court also notes with appreciation that, in its resolution 69/123, the General Assembly called upon "States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute" (Statute, Article 36, para. 2).

23. It should be recalled that everything the Court does is aimed at promoting the rule of law: through its judgments and advisory opinions, it contributes to strengthening and clarifying international law. The Court likewise endeavours to ensure that its decisions are publicized as widely as possible throughout the world, both through its publications, the development of multimedia platforms and its own Internet site, which contains its entire jurisprudence and that of its predecessor, the Permanent Court of International Justice, as well as through the provision of useful information for States and international organizations wishing to make use of the procedures open to them at the Court.

24. The President and other members of the Court, the Registrar and various members of the Registry staff regularly give presentations and take part in forums, both at The Hague and abroad, on the functioning of the Court, its procedures and jurisprudence. Their presentations enable the public to gain a better understanding of what the Court does both in contentious cases and in advisory proceedings.

25. Every year the Court welcomes a very large number of visitors, in particular, it receives Heads of State and other official delegations from various countries with an interest in its work.

26. During the period under review, the Court was also visited by a number of groups consisting of, among others, diplomats, academics, judges and representatives of judicial authorities, lawyers and members of the legal profession, approximately 5,800 visitors in total. The "open day", which is held every year, further enables the general public to become better acquainted with the Court and its proceedings.

27. The Court has a particular interest in young people: it participates in events organized by universities and offers internship programmes enabling students from various backgrounds to familiarize themselves with the institution and to further their knowledge of international law.

28. The Court is planning to organize a number of important events as part of its seventieth anniversary, which will be celebrated in April 2016, including: a solemn sitting; a conference; an exhibition; the screening of a new film on the Court; and a range of other activities. The Court hopes that the United Nations and its Member States will support those events and play an active role in them.

Asbestos

29. During work carried out in July 2014 to renovate the wing of the Peace Palace that was constructed in 1977, which houses the Court's Deliberation Room and a number of judges' offices, the presence of asbestos was discovered. The Carnegie Foundation, which is responsible for the administration of the Peace Palace, commissioned a specialist firm to carry out tests and determine what measures should be taken. Tests conducted in August and September 2014 confirmed the presence of asbestos dust in the wing and in archiving areas used by the Court in the old building of the Palace. The entire judges' building (the parts constructed in both 1977 and 1996) and the contaminated archiving areas in the old building have been sealed off.

30. Further tests were conducted in February 2015 with a view to assessing more accurately the level of exposure to asbestos of the members of the Court and Registry staff who had worked in the areas in question, and any potential health risks to which they may have been exposed. The Carnegie Foundation contacted the Dutch occupational health and safety service, which concluded, on the basis of those additional tests, that the level of exposure to asbestos of those who, in the past, had worked either in the judges' building or in the archiving areas in question could be classified as a "completely negligible" or "negligible health risk", respectively. The Registry of the Court commissioned its own medical experts to conduct a second analysis of the tests carried out and to determine what, if any, medical follow-up should be offered to members of the Court and staff of the Registry who were potentially affected. At the time of the writing of the present report, the results of this second analysis were as yet unknown.

31. Following the closure of the building containing the judges' offices, and pending the completion of the asbestos-removal and renovation work, the Carnegie Foundation is providing temporary premises for members of the Court and the Registry staff who assist them directly. The work is scheduled to be finished before the end of 2015.

32. Moreover, the Carnegie Foundation has agreed to draw up an asbestos management plan for the old building of the Peace Palace, which will be communicated to the Court.

Agreement between the United Nations and the Carnegie Foundation

33. A new version of the Residency Agreement between the United Nations and the Carnegie Foundation with respect to the Peace Palace is awaiting adoption by the General Assembly. It will reflect the commitments made in the associated memorandum of understanding signed by the two parties on 15 October 2014. Notable provisions in this new version of the agreement include:

- an exchange of space, as a result of which the Court will acquire more suitable premises in which to store its archives and library stacks;
- the publication by the Carnegie Foundation, in consultation with the Court, of house rules regarding a wide range of security matters; and
- the conduct by the Carnegie Foundation, at least every two years, of testing of air and dust for the presence of asbestos in accordance with Dutch law, and the development of an asbestos management plan.

Pension scheme for judges of the Court

34. In 2012, the President of the Court sent a letter to the President of the General Assembly, accompanied by an explanatory paper (A/66/726, annex), setting out the comments and concerns of the International Court of Justice regarding certain proposals relating to the pension schemes for the members of the Court and the judges of the international tribunals that had been put forward by the Secretary-General (see A/67/4, paras. 26-30). The Court emphasized the serious problems raised by those proposals in terms of the integrity of its Statute, in particular with regard to the equality of its Members and their right to carry out their duties in full independence.

35. The Court is grateful to the General Assembly for the particular attention that it has given to the issue and for its decision to allow itself sufficient time to reflect on the matter and to postpone discussing it, first to its sixty-eighth, then its sixty-ninth, and then to its seventy-first session.

Budgetary requests

36. At the start of 2015, the Court submitted its budgetary requests for the biennium 2016-2017 to the General Assembly, through the Controller of the Secretariat of the United Nations. The large majority of the Court's expenditure is fixed and statutory in nature, and most of the budgetary requests for the next biennium will be used to fund that expenditure. The Court has not requested the creation of any new posts for 2016-2017. In total, the proposed budget for the biennium 2016-2017 amounts to $52,543,900 before recosting, a net increase of $1,140,800 (or 2.2 per cent) compared with the budget for 2014-2015. This increase is attributable largely to a greater need for consultancy and contractual services linked to various modernization projects in the area of information technology.

37. The Court also requested funds in 2016-2017 to complete the preparations for the celebration of its seventieth anniversary. Those funds will be used mainly for the digitization of old photographs and films of the International Court of Justice and the Permanent Court of International Justice, to produce information products about the Court, and to organize the anniversary celebrations themselves (the solemn sitting of the Court and the conference, among others).

Chapter II
Role and jurisdiction of the Court

38. The International Court of Justice, which has its seat at the Peace Palace in The Hague, the Netherlands, is the principal judicial organ of the United Nations. It was established under the Charter of the United Nations in June 1945 and began its activities in April 1946.

39. The basic documents governing the Court are the Charter of the United Nations and the Statute of the Court, which is annexed to the Charter. These are supplemented by the Rules of Court and Practice Directions, and by the resolution concerning the internal judicial practice of the Court. Those texts can be found on the Court's website under the heading "Basic documents" and are also published in *Acts and Documents concerning the organization of the Court* (edition No. 6 (2007)).

40. The International Court of Justice is the only international court of a universal character with general jurisdiction. That jurisdiction is twofold.

A. Jurisdiction in contentious cases

41. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty.

42. In this respect, it should be noted that, as at 31 July 2015, 193 States were parties to the Statute of the Court, and thus had access to it (jurisdiction *ratione personae*).

43. Moreover, 72 States have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court (*ratione materiae*), as contemplated by Article 36, paragraphs 2 and 5, of the Statute. They are: Australia, Austria, Barbados, Belgium, Botswana, Bulgaria, Cambodia, Cameroon, Canada, Costa Rica, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, Estonia, Finland, Gambia, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Ireland, Italy, Japan, Kenya, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Senegal, Slovakia, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Switzerland, Timor-Leste, Togo, Uganda, United Kingdom of Great Britain and Northern Ireland and Uruguay. The texts of the declarations filed with the Secretary-General by the above States are available on the website of the Court under the heading "Jurisdiction" (www.icj-cij.org).

44. In addition, more than 300 bilateral or multilateral treaties or conventions provide for the Court to have jurisdiction *ratione materiae* in the resolution of various types of disputes between their parties. A representative list of those treaties and conventions may also be found on the Court's website under the heading "Jurisdiction". The Court's jurisdiction *ratione materiae* can also be founded, in the case of a specific dispute, on a special agreement concluded between the States concerned. Finally, when submitting a dispute to the Court, a State may propose to found the Court's jurisdiction *ratione materiae* upon a consent yet to be given or manifested by the State against which the application is made, in reliance on article 38,

paragraph 5, of the Rules of Court. If the latter State gives its consent, the jurisdiction of the Court is established and the new case is entered in the General List on the date that this consent is given (this situation is known as *forum prorogatum*).

B. Jurisdiction in advisory proceedings

45. The Court may also give advisory opinions. In addition to the two United Nations organs (the General Assembly and the Security Council) which are authorized to request advisory opinions of the Court "on any legal questions" (Article 96, para. 1, of the Charter), three other United Nations organs, the Economic and Social Council, the Trusteeship Council and the Interim Committee of the General Assembly, as well as the following organizations, are at present authorized to request advisory opinions of the Court on legal questions arising within the scope of their activities (Article 96, para. 2, of the Charter):

International Labour Organization

Food and Agriculture Organization of the United Nations

United Nations Educational, Scientific and Cultural Organization

International Civil Aviation Organization

World Health Organization

World Bank

International Finance Corporation

International Development Association

International Monetary Fund

International Telecommunication Union

World Meteorological Organization

International Maritime Organization

World Intellectual Property Organization

International Fund for Agricultural Development

United Nations Industrial Development Organization

International Atomic Energy Agency

46. A list of the international instruments that make provision for the advisory jurisdiction of the Court is available on the Court's website under the heading "Jurisdiction".

Chapter III
Organization of the Court

A. Composition

47. The International Court of Justice consists of 15 judges elected by the General Assembly and the Security Council for a term of nine years. Every three years, five of those seats (one third) fall vacant. On 6 November 2014, two of its members, Judges Mohamed Bennouna (Morocco) and Joan E. Donoghue (United States of America) were re-elected, while James Richard Crawford (Australia) and Kirill Gevorgian (Russian Federation) were elected as new members of the Court with effect from 6 February 2015. The election of a fifth member of the Court could not be concluded on 6 November, since no candidate obtained a majority in both the General Assembly and the Security Council, and thus had to be postponed. On 17 December 2014, the General Assembly and Security Council elected Patrick Lipton Robinson (Jamaica) as a member of the Court, with effect from 6 February 2015, on which date the Court, in its new composition elected Judge Ronny Abraham (France) as its President and Judge Abdulqawi Ahmed Yusuf (Somalia) as its Vice-President, each for a term of three years.

48. At 31 July 2015, the composition of the Court was as follows: President: Ronny Abraham (France); Vice-President: Abdulqawi Ahmed Yusuf (Somalia); Judges: Hisashi Owada (Japan), Peter Tomka (Slovakia), Mohamed Bennouna (Morocco), Antônio Augusto Cançado Trindade (Brazil), Christopher Greenwood (United Kingdom), Xue Hanqin (China), Joan E. Donoghue (United States of America), Giorgio Gaja (Italy), Julia Sebutinde (Uganda), Dalveer Bhandari (India), Patrick Lipton Robinson (Jamaica), James Richard Crawford (Australia) and Kirill Gevorgian (Russian Federation).

President and Vice-President

49. The President and the Vice-President of the Court (Statute, Article 21) are elected by the members of the Court every three years by secret ballot. The Vice-President replaces the President in his or her absence, in the event of his/her inability to exercise his or her duties or in the event of a vacancy in the presidency. Among other things, the President: (a) presides at all meetings of the Court, directs its work and supervises its administration; (b) in every case submitted to the Court, ascertains the views of the parties with regard to questions of procedure. For this purpose, he or she summons the agents of the parties to meet him or her as soon as possible after their appointment, and whenever necessary thereafter; (c) may call upon the parties to act in such a way as will enable any order the Court may make on a request for provisional measures to have its appropriate effects; (d) may authorize the correction of a slip or error in any document filed by a party during the written proceedings; (e) when the Court decides, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it without the right to vote, takes steps to obtain all the information relevant to the choice of assessors; (f) directs the Court's judicial deliberations; (g) has a casting vote in the event of votes being equally divided during judicial deliberations; (h) is ex officio a member of the drafting committees unless he or she does not share the majority opinion of the Court, in which case his or her place is taken by the Vice-President or, failing that, by a third judge elected by the Court; (i) is ex officio a member of the Chamber of Summary Procedure formed annually by the Court;

(j) signs all judgments, advisory opinions and orders of the Court, and the minutes; (k) delivers the judicial decisions of the Court at public sittings; (l) chairs the Budgetary and Administrative Committee of the Court; (m) addresses the representatives of the States Members of the United Nations during the plenary meetings of the annual session of the General Assembly in New York in order to present the report of the International Court of Justice; (n) receives, at the seat of the Court, Heads of State and Government and other dignitaries during official visits. When the Court is not sitting, the President may, among other things, be called upon to make procedural orders.

Registrar and Deputy-Registrar

50. The Registrar of the Court is Philippe Couvreur, of Belgian nationality. On 3 February 2014, he was re-elected to the post for a third seven-year term of office beginning on 10 February 2014. Mr. Couvreur was first elected Registrar of the Court on 10 February 2000 and re-elected on 8 February 2007 (the duties of the Registrar are described in paras. 81- 85 below).

51. The Deputy-Registrar of the Court is Jean-Pelé Fomété, of Cameroonian-nationality. He was elected to the post on 11 February 2013 for a term of seven years beginning on16 March 2013.

Chamber of Summary Procedure, Budgetary and Administrative Committee and other committees

52. In accordance with Article 29 of its Statute, the Court annually forms a Chamber of Summary Procedure, which, as at 31 July 2015, was constituted as follows:

Members:
President Abraham
Vice-President Yusuf
Judges Xue, Donoghue and Gaja

Substitute members:
Judges Cançado Trindade and Gevorgian.

53. The Court also constituted committees to facilitate the performance of its administrative tasks. As at 31 July 2015, they were composed as follows:

(a) Budgetary and Administrative Committee: President Abraham (Chair); Vice-President Yusuf; Judges Tomka, Greenwood, Xue, Sebutinde and Bhandari;

(b) Rules Committee: Judge Owada (Chair); Judges Cançado Trindade, Donoghue, Gaja, Robinson, Crawford and Gevorgian;

(c) Library Committee: Judge Cançado Trindade (Chair); Judges Gaja, Bhandari and Gevorgian.

Judges ad hoc

54. In accordance with Article 31 of the Statute, parties that have no judge of their nationality on the Bench may choose an ad hoc judge for the purposes of the case that concerns them.

55. The number of judges ad hoc chosen by States parties during the period under review was 20, with those functions being carried out by 15 individuals (the same person may on occasion sit as judge ad hoc in more than one case).

56. In the case concerning *Armed Activities on the Territory of the Congo* (*Democratic Republic of the Congo* v. *Uganda*), the Democratic Republic of the Congo chose Joe Verhoeven to sit as judge ad hoc.

57. In the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Croatia* v. *Serbia*), Croatia chose Budislav Vukas and Serbia Milenko Kreća to sit as judges ad hoc.

58. In the case concerning *Certain Activities carried out by Nicaragua in the Border Area* (*Costa Rica* v. *Nicaragua*), Costa Rica chose John Dugard and Nicaragua Gilbert Guillaumeto sit as judges ad hoc.

59. In the case concerning *Construction of a Road in Costa Rica along the San Juan River* (*Nicaragua* v. *Costa Rica*), Nicaragua chose Mr. Guillaume and Costa Rica Bruno Simma to sit as judges ad hoc. Further to the decision by the Court to join the proceedings in this case with those in the case concerning *Certain Activities carried out by Nicaragua in the Border Area* (*Costa Rica* v. *Nicaragua*), Mr. Simma resigned. Since then, Mr. Dugard, chosen by Costa Rica to sit as judge ad hoc in the *Costa Rica* v. *Nicaragua* case, has also been sitting as judge ad hoc in the joined *Nicaragua* v. *Costa Rica* case.

60. In the case concerning the *Obligation to Negotiate Access to the Pacific Ocean* (*Bolivia* v. *Chile*), the Plurinational State of Bolivia chose Yves Daudet and Chile Louise Arbour to sit as judges ad hoc.

61. In the case concerning the *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast* (*Nicaragua* v. *Colombia*), Colombia chose Charles Brower and Nicaragua Leonid Skotnikov to sit as judges ad hoc.

62. In the case concerning *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea* (*Nicaragua* v. *Colombia*), Nicaragua chose Mr. Guillaume and Colombia David Caron to sit as judges ad hoc.

63. In the case concerning *Questions relating to the Seizure and Detention of Certain Documents and Data* (*Timor-Leste* v. *Australia*), Timor-Leste chose Jean-Pierre Cot and Australia Ian Callinan to sit as judges ad hoc.

64. In the case concerning *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean* (*Costa Rica* v. *Nicaragua*), Costa Rica chose Mr. Simma and Nicaragua Awn Shawkat Al-Khasawneh to sit as judges ad hoc.

65. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands* v. *India*), the Marshall Islands chose Mohammed Bedjaoui to sit as judge ad hoc.

66. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament* (*Marshall Islands* v. *Pakistan*), the Marshall Islands chose Mr. Bedjaoui to sit as judge ad hoc.

67. In the case of *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *United Kingdom)*, the Marshall Islands chose Mr. Bedjaoui to sit as judge ad hoc.

B. Privileges and immunities

68. Under Article 19 of the Statute of the Court, "[t]he Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities".

69. In the Netherlands, pursuant to an exchange of letters dated 26 June 1946 between the President of the Court and the Minister for Foreign Affairs, the members of the Court enjoy, generally, the same privileges, immunities, facilities and prerogatives as heads of diplomatic missions accredited to His Majesty the King of the Netherlands (*Acts and Documents* (edition No. 6), pp. 204-211 and pp. 214-217).

70. By its resolution 90 (I) of 11 December 1946 (ibid., pp. 210-215), the General Assembly approved the agreements concluded with the Government of the Netherlands in June 1946 and recommended the following: if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there; judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it; on journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys.

71. In the same resolution, the General Assembly recommended that the authorities of States Members of the United Nations recognize and accept the laissez-passer issued to the judges by the Court. Such laissez-passer had been produced by the Court since 1950; unique to the Court, they were similar in form to those issued by the Secretary-General of the United Nations. Since February 2014, the Court has delegated the task of producing laissez-passer to the United Nations Office at Geneva. The new laissez-passer are modelled on electronic passports and meet the most recent standards of the International Civil Aviation Organization.

72. Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges and the Registrar "shall be free of all taxation".

C. Seat

73. The seat of the Court is established at The Hague; this, however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Article 22, para. 1; Rules, art. 55). The Court has so far never held sittings outside The Hague.

74. The Court occupies premises in the Peace Palace at The Hague. An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises and provides for the

Organization to pay an annual contribution to the Carnegie Foundation in consideration of the Court's use of the premises. That contribution was increased pursuant to supplementary agreements approved by the General Assembly in 1951 and 1958, as well as subsequent amendments. The annual contribution by the United Nations to the Carnegie Foundation rose to €1,321,679 for 2014 and to €1,334,892 for 2015.

75. Recent negotiations between the United Nations and the Carnegie Foundation have resulted in a modified version of the original agreement, which has yet to be adopted by the General Assembly. The agreed modifications concern the extent and quality of the areas reserved for the Court, security of persons and property, and the level of services provided by the Foundation.

Chapter IV
Registry

76. The Court is the only principal organ of the United Nations to have its own administration (see Article 98 of the Charter). The Registry is the permanent international secretariat of the Court. Since the Court is both a judicial body and an international institution, the role of the Registry is both to provide judicial support and to act as a permanent administrative organ. The Registry's activities are thus administrative, as well as judicial and diplomatic.

77. The duties of the Registry are set out in detail in instructions drawn up by the Registrar and approved by the Court (see Rules, article 28, paras. 2 and 3). The version of the Instructions for the Registry which is currently in force was adopted by the Court in March 2012 (see A/67/4, para. 66).

78. Registry officials are appointed by the Court on proposals made by the Registrar or, for General Service staff, by the Registrar with the approval of the President. Temporary staff are appointed by the Registrar. Working conditions are governed by the Staff Regulations adopted by the Court (see Rules, article 28). Registry officials enjoy, generally, the same privileges and immunities as members of diplomatic missions in The Hague of comparable rank. They enjoy remuneration and pension rights corresponding to those of officials of the Secretariat of the United Nations of equivalent category or grade.

79. The organizational structure of the Registry is fixed by the Court on proposals made by the Registrar. The Registry consists of three departments and nine technical divisions (an organigram showing the organizational structure of the Registry is contained in the annex to the present report). The President of the Court and the Registrar are each aided by a special assistant (at the P-3 level). The members of the Court are each assisted by a law clerk. Those 15 associate legal officers, although seconded to the judges, are members of the Registry staff, administratively attached to the Department of Legal Matters. The law clerks carry out research for the members of the Court and the judges ad hoc, and work under their responsibility. A total of 15 secretaries, who are also members of the Registry staff, assist the members of the Court and the judges ad hoc.

80. The total number of posts at the Registry is at present 119, namely, 60 posts in the Professional category and above (all of which are permanent) and 59 in the General Service category (of which 57 are permanent posts and two are temporary positions for the biennium).

The Registrar

81. The Registrar (Statute, Article 21) is responsible for all departments and divisions of the Registry. Under the terms of article 1 of the revised Instructions for the Registry, "[t]he staff are under his authority, and he alone is authorized to direct the work of the Registry, of which he is the Head". In the discharge of his functions the Registrar reports to the Court. His role is threefold: judicial, diplomatic and administrative.

82. The Registrar's judicial duties notably include those relating to the cases submitted to the Court. In this respect, the Registrar performs, among others, the

following tasks: (a) keeps the General List of all cases and is responsible for recording documents in the case files; (b) manages the proceedings in the cases; (c) is present in person, or represented by the Deputy-Registrar, at meetings of the Court and of Chambers; provides any assistance required and is responsible for the preparation of reports or minutes of such meetings; (d) signs all judgments, advisory opinions and orders of the Court, as well as minutes; (e) maintains relations with the parties to a case and has specific responsibility for the receipt and transmission of various documents, most importantly those instituting proceedings (applications and special agreements) and all written pleadings; (f) is responsible for the translation, printing and publication of the Court's judgments, advisory opinions and orders, the pleadings, written statements and minutes of the public sittings in every case and of such other documents as the Court may decide to publish; and (g) has custody of the seals and stamps of the Court, of the archives of the Court and of such other archives as may be entrusted to the Court (including the archives of the Permanent Court of International Justice and of the Nuremberg International Military Tribunal).

83. The diplomatic duties of the Registrar include the following tasks: (a) attending to the Court's external relations and acting as the channel of communication to and from the Court; (b) managing external correspondence, including that relating to cases, and providing any consultations required; (c) managing relations of a diplomatic nature, in particular with the organs and States Members of the United Nations, with other international organizations and with the Government of the country in which the Court has its seat; (d) maintaining relations with the local authorities and with the press; and (e) being responsible for information concerning the Court's activities and for the Court's publications, including press releases.

84. The Registrar's administrative duties include: (a) internal administration of the Registry; (b) financial management, in accordance with the financial procedures of the United Nations, and in particular preparation and implementation of the budget; (c) supervision of all administrative tasks and of printing; and (d) making arrangements for such provision or verification of translations and interpretations into the two official languages of the Court (English and French) as the Court may require.

85. Pursuant to the exchange of letters and General Assembly resolution 90 (I) as referred to in paragraphs 69 and 70 above, the Registrar is accorded the same privileges and immunities as heads of diplomatic missions in The Hague and, on journeys to third States, enjoys all the privileges, immunities and facilities granted to diplomatic envoys.

86. The Deputy-Registrar (Rules, article 27) assists the Registrar and acts as Registrar in the latter's absence.

Chapter V

Pending contentious proceedings during the period under review

1. *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*

87. On 2 July 1993, the Republic of Hungary and the Slovak Republic jointly notified the Court of a special agreement, signed on 7 April 1993, for the submission to the Court of certain issues arising out of differences regarding the implementation and the termination of the Treaty of 16 September 1977 on the construction and operation of the Gabčíkovo-Nagymaros barrage system (see A/48/4, para. 138). In its judgment of 25 September 1997, the Court, having ruled upon the issues submitted by the parties, called upon both States to negotiate in good faith in order to ensure the achievement of the objectives of the 1977 Treaty, which it declared was still in force, while taking account of the factual situation that had developed since 1989. On 3 September 1998, Slovakia filed in the Registry of the Court a request for an additional judgment in the case. Such an additional judgment was necessary, according to Slovakia, because of the unwillingness of Hungary to implement the judgment that had been delivered by the Court in that case on 25 September 1997. Hungary filed a written statement of its position on the request for an additional judgment made by Slovakia within the time limit of 7 December 1998 fixed by the President of the Court. The parties have subsequently resumed negotiations and have informed the Court on a regular basis of the progress made. The President of the Court or, when the former is absent, the Vice-President of the Court holds meetings with the agents of the parties when he deems it necessary.

2. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo* v. *Uganda)*

88. On 23 June 1999, the Democratic Republic of the Congo filed an application instituting proceedings against Uganda for "acts of armed aggression perpetrated in flagrant violation of the United Nations Charter and of the Charter of the Organization of African Unity" (see A/54/4, para. 249, and subsequent supplements).

89. In its counter-memorial, filed in the Registry on 20 April 2001, Uganda presented three counter-claims (see A/56/4, para. 319).

90. In the judgment which it rendered on 19 December 2005 (see A/61/4, para. 133), the Court found, in particular, that Uganda, by engaging in military activities against the Democratic Republic of the Congo on the latter's territory, by occupying Ituri and by actively extending support to irregular forces having operated on the territory of the Democratic Republic of the Congo, had violated the principle of non-use of force in international relations and the principle of non-intervention; that it had violated, in the course of hostilities between Ugandan and Rwandan military forces in Kisangani, its obligations under international human rights law and international humanitarian law; that it had violated, by the conduct of its armed forces towards the Congolese civilian population and in particular as an occupying Power in Ituri district, other obligations incumbent on it under international human rights law and international humanitarian law; and that it had violated its obligations under international law by acts of looting, plundering and exploitation of Congolese natural resources committed by members of its armed forces in the territory of the Democratic Republic of the Congo and by its failure to prevent such acts as an occupying Power in Ituri district.

91. The Court also found that the Democratic Republic of the Congo had, for its part, violated obligations owed to Uganda under the Vienna Convention on Diplomatic Relations of 1961, through maltreatment of or failure to protect the persons and property protected by the said Convention.

92. The Court therefore found that the parties were under obligation to one another to make reparation for the injury caused. It decided that, failing agreement between the parties, the question of reparation would be settled by the Court and reserved for this purpose the subsequent procedure in the case. Since then, the parties have transmitted to the Court certain information concerning the negotiations they are holding to settle the question of reparation, as referred to in points (6) and (14) of the operative clause of the judgment and paragraphs 260, 261 and 344 of the reasoning in the judgment.

93. On 13 May 2015, the Registry of the Court received from the Democratic Republic of the Congo a document entitled "New application to the International Court of Justice", requesting the Court to decide the question of the reparation due to the Democratic Republic of the Congo in the case. In that document, the Government stated in particular that:

> "the negotiations on the question of reparation owed to the Democratic Republic of the Congo by Uganda must now be deemed to have failed, as is made clear in the joint communiqué signed by both Parties in Pretoria, South Africa, on 19 March 2015 [at the end of the fourth ministerial meeting held between the two States];
>
> it therefore behoves the Court, as provided for in paragraph 345 (6) of the judgment of 19 December 2005, to reopen the proceedings that it suspended in the case, in order to determine the amount of reparation owed by Uganda to the Democratic Republic of the Congo, on the basis of the evidence already transmitted to Uganda and which will be made available to the Court".

94. At a meeting held by the President of the Court with the representatives of the parties on 9 June 2015, the coagent of the Democratic Republic of the Congo confirmed the position of his Government. The Agent of Uganda, for his part, indicated that his Government was of the view that the conditions for referring the question of reparation to the Court had not been met, and that the request made by the Democratic Republic of the Congo in the application filed on 13 May 2015 was premature.

95. During the said meeting, the President recalled that it fell to the Court to decide on the subsequent procedure in the case, in accordance with the Rules of Court and the judgment reached in 2005.

96. By an order dated 1 July 2015, the Court decided to resume the proceedings in the case with regard to the question of reparations, and fixed 6 January 2016 as the time limit for the filing, by the Democratic Republic of the Congo, of a memorial on the reparations which it considers to be owed to it by Uganda, and for the filing, by Uganda, of a memorial on the reparations which it considers to be owed to it by the Democratic Republic of the Congo. The subsequent procedure has been reserved for further decision.

97. In its order, the Court observed that, "although the Parties have tried to settle the question of reparations directly, they have been unable to reach an agreement in

that respect". It noted that the joint communiqué of the fourth ministerial meeting held between the two countries expressly stated that the ministers responsible for leading the negotiations had decided that there should be "no further negotiations" since "no consensus [had been] reached" between the parties.

98. The Court also noted in that order that, "taking account of the requirements of the sound administration of justice, it now falls to [it] to fix time limits within which the Parties must file their written pleadings on the question of reparations".

99. The Court further pointed out that the fixing of such time limits "leaves unaffected the right of the respective Heads of State to provide the further guidance referred to in the joint communiqué of 19 March 2015". Finally, it concluded that "each Party should set out in a memorial the entirety of its claim for damages which it considers to be owed to it by the other Party and attach to that pleading all the evidence on which it wishes to rely".

3. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*

100. On 2 July 1999, Croatia filed an application instituting proceedings against Serbia (then known as the Federal Republic of Yugoslavia) with respect to a dispute concerning alleged violations of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the "Genocide Convention") committed between 1991 and 1995 (see A/54/4 and subsequent supplements).

101. As basis for the Court's jurisdiction, Croatia invoked article IX of the Genocide Convention, to which, it claimed, both States were parties.

102. On 11 September 2002, Serbia raised certain preliminary objections in respect of jurisdiction and admissibility. Pursuant to article 79 of the Rules of Court, the proceedings on the merits were suspended. On 25 April 2003, Croatia filed a written statement of its observations and submissions on Serbia's preliminary objections.

103. Public hearings on the preliminary objections in respect of jurisdiction and admissibility were held from 26 to 30 May 2008 (see A/63/4, para. 122, and subsequent supplements).

104. On 18 November 2008, the Court rendered its judgment on the preliminary objections (see A/64/4, para. 121, and subsequent supplements). In its judgment the Court found, inter alia, that, subject to its statement concerning the second preliminary objection raised by the respondent, it had jurisdiction, on the basis of article IX of the Genocide Convention, to entertain Croatia's application. The Court added that Serbia's second preliminary objection did not, in the circumstances of the case, possess an exclusively preliminary character. It then rejected the third preliminary objection raised by Serbia.

105. By an order of 20 January 2009, the President of the Court fixed 22 March 2010 as the time limit for the filing of the counter-memorial of Serbia. That pleading, which was filed within the time limit thus prescribed, contained counter-claims, alleging that Croatia had violated its obligations under the Genocide Convention during and after Operation Storm in August 1995.

106. By an order of 4 February 2010, the Court directed the submission of a reply by Croatia and a rejoinder by Serbia concerning the claims presented by the parties. It fixed 20 December 2010 and 4 November 2011, respectively, as the time limits

for the filing of those written pleadings. Those pleadings were filed within the time limits thus fixed.

107. By an order of 23 January 2012, the Court authorized the submission by Croatia of an additional written pleading relating solely to the counter-claims submitted by Serbia. It fixed 30 August 2012 as the time limit for the filing of that written pleading, which was filed by Croatia within the time limit thus prescribed.

108. Public hearings on the objection, which had been found in 2008 not to be of an exclusively preliminary character, as well as on the merits of Croatia's claims and on Serbia's counter-claims, were held from 3 March to 1 April 2014 (see A/69/4, para. 87).

109. On 3 February 2015, the Court rendered its judgment, the operative clause of which reads as follows:

"For these reasons,

THE COURT,

(1) By eleven votes to six,

Rejects the second jurisdictional objection raised by Serbia and *finds* that its jurisdiction to entertain Croatia's claim extends to acts prior to 27 April 1992;

IN FAVOUR: *Vice-President* Sepúlveda Amor; *Judges* Abraham, Keith, Bennouna, Cançado Trindade, Yusuf, Greenwood, Donoghue, Gaja, Bhandari; *Judge* ad hoc Vukas;

AGAINST: *President* Tomka; *Judges* Owada, Skotnikov, Xue, Sebutinde; *Judge* ad hoc Kreća;

(2) By fifteen votes to two,

Rejects Croatia's claim;

IN FAVOUR: *President* Tomka; *Vice-President* Sepúlveda Amor; *Judges* Owada, Abraham, Keith, Bennouna, Skotnikov, Yusuf, Greenwood, Xue, Donoghue, Gaja, Sebutinde, Bhandari; *Judge* ad hoc Kreća;

AGAINST: *Judge* Cançado Trindade; *Judge* ad hoc Vukas;

(3) Unanimously,

Rejects Serbia's counter-claim."

President Tomka appended a separate opinion to the judgment of the Court; Judges Owada, Keith and Skotnikov appended separate opinions to the judgment of the Court; Judge Cançado Trindade appended a dissenting opinion to the judgment of the Court; Judges Xue and Donoghue appended declarations to the judgment of the Court; Judges Gaja, Sebutinde and Bhandari appended separate opinions to the judgment of the Court; Judge ad hoc Vukas appended a dissenting opinion to the judgment of the Court; Judge ad hoc Kreća appended a separate opinion to the judgment of the Court.

4. ***Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)***

110. On 18 November 2010, Costa Rica filed an application instituting proceedings against Nicaragua in respect of an alleged "incursion into, occupation of and use by Nicaragua's Army of Costa Rican territory as well as [alleged] breaches of Nicaragua's obligations towards Costa Rica" under a number of international treaties and conventions.

111. Costa Rica contends that Nicaragua has, in two separate incidents, occupied the territory of Costa Rica in connection with the construction of a canal across Costa Rican territory from the San Juan River to Laguna los Portillos (also known as "Harbor Head Lagoon"), and carried out certain related works of dredging on the San Juan River. Costa Rica states that the "ongoing and planned dredging and the construction of the canal will seriously affect the flow of water to the Colorado River of Costa Rica, and will cause further damage to Costa Rican territory, including the wetlands and national wildlife protected areas located in the region".

112. Costa Rica accordingly requested the Court:

> "to adjudge and declare that Nicaragua is in breach of its international obligations ... as regards the incursion into and occupation of Costa Rican territory, the serious damage inflicted to its protected rainforests and wetlands, and the damage intended to the Colorado River, wetlands and protected ecosystems, as well as the dredging and canalization activities being carried out by Nicaragua on the San Juan River".

The Court was also requested to determine the reparation which must be made by Nicaragua.

113. As basis for the jurisdiction of the Court, the applicant invoked article XXXI of the American Treaty on Pacific Settlement (Pact of Bogotá) of 30 April 1948. In addition, it invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction (see A/67/4, para. 226).

114. On 18 November 2010, Costa Rica also filed a request for the indication of provisional measures, in which it "request[ed] the Court as a matter of urgency to order ... provisional measures so as to rectify the ... ongoing breach of Costa Rica's territorial integrity and to prevent further irreparable harm to Costa Rica's territory, pending its determination of this case on the merits" (see A/66/4, paras. 238 and 239, and subsequent supplements).

115. Public hearings on the request for the indication of provisional measures submitted by Costa Rica were held from 11 to 13 January 2011. In its order made on 8 March 2011, the Court indicated a number of provisional measures (see A/66/4, para. 240, and subsequent supplements).

116. By an order of 5 April 2011, the Court fixed 5 December 2011 and 6 August 2012 as the respective time limits for the filing of a memorial by Costa Rica and a

counter-memorial by Nicaragua. Those pleadings were filed within the time limits thus fixed.

117. In its counter-memorial, Nicaragua submitted four counterclaims. In its first counterclaim, it requested the Court to declare that Costa Rica bore responsibility to Nicaragua for "the impairment and possible destruction of navigation on the San Juan River caused by the construction of a road next to its right bank" by Costa Rica. In its second counterclaim, Nicaragua asked the Court to declare that it had become the sole sovereign over the area formerly occupied by the Bay of San Juan del Norte. In its third counterclaim, it requested the Court to find that Nicaragua had a right to free navigation on the Colorado Branch of the San Juan de Nicaragua River, until the conditions of navigability existing at the time when the 1858 Treaty was concluded were re-established. In its fourth counterclaim, Nicaragua alleged that Costa Rica had failed to implement the provisional measures indicated by the Court in its order of 8 March 2011.

118. By two separate orders dated 17 April 2013, the Court joined the proceedings in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica* v. *Nicaragua)* (hereinafter "the *Costa Rica* v. *Nicaragua* case") with those in the case concerning *Construction of a Road in Costa Rica along the San Juan River (Nicaragua* v. *Costa Rica)* (hereinafter "the *Nicaragua* v. *Costa Rica* case"; see paras. 125-137 below). In those two orders, the Court emphasized that it had so proceeded "in conformity with the principle of the sound administration of justice and with the need for judicial economy".

119. By an order dated 18 April 2013, the Court ruled on the four counterclaims submitted by Nicaragua in its counter-memorial filed in the *Costa Rica* v. *Nicaragua* case. In that order, the Court found, unanimously, that there was no need for it to adjudicate on the admissibility of Nicaragua's first counterclaim as such, since that claim had become without object by reason of the fact that the proceedings in the *Costa Rica* v. *Nicaragua* and *Nicaragua* v. *Costa Rica* cases had been joined, and that that claim would therefore be examined as a principal claim within the context of the joined proceedings. The Court also unanimously found that the second and third counterclaims were inadmissible as such and did not form part of the current proceedings, since there was no direct connection, either in fact or in law, between those claims and the principal claims of Costa Rica. In its order, the Court lastly found, unanimously, that there was no need for it to entertain the fourth counter-claim as such, since the question of compliance by both parties with provisional measures could be considered in the principal proceedings, irrespective of whether or not the respondent State raised that issue by way of a counterclaim and that, consequently, the parties could take up any question relating to the implementation of the provisional measures indicated by the Court in the further course of the proceedings.

120. On 23 May 2013, Costa Rica submitted to the Court a request for the modification of the order of 8 March 2011. In its written observations, Nicaragua asked the Court to reject Costa Rica's request, while, in its turn, requesting the Court to modify or adapt the order of 8 March 2011. In its order of 16 July 2013, the Court found that the circumstances, as they then presented themselves to it, were not such as to require the exercise of its power to modify the measures indicated in the order of 8 March 2011. It reaffirmed the provisional measures indicated in its order of 8 March 2011, in particular the requirement that the parties "sh[ould]

refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve" (see A/68/4, para. 190).

121. On 24 September 2013, Costa Rica filed in the Registry of the Court a request for the indication of new provisional measures in the case.

122. After holding public hearings on that request from 14 to 17 October 2013, the Court delivered its order on 22 November 2013. After reaffirming, unanimously, the provisional measures indicated in its order of 8 March 2011, the Court indicated new provisional measures (see A/69/4, para. 129).

123. Public hearings in the two joined cases were held from 14 April to 1 May 2015. At the close of the hearings in the *Costa Rica* v. *Nicaragua* case, the parties presented the following final submissions to the Court:

For Costa Rica (on 28 April 2015):

"For the reasons set out in the written and oral pleadings, the Republic of Costa Rica requests the Court to:

(1) reject all Nicaraguan claims;

(2) adjudge and declare that:

(a) Sovereignty over the 'disputed territory', as defined by the Court in its orders of 8 March 2011 and 22 November 2013, belongs to the Republic of Costa Rica;

(b) By occupying and claiming Costa Rican territory, Nicaragua has breached:

(i) the obligation to respect the sovereignty and territorial integrity of the Republic of Costa Rica, within the boundaries delimited by the 1858 Treaty of Limits and further defined by the Demarcation Commission established by the Pacheco Matus Convention, in particular by the first and second Alexander Awards;

(ii) the prohibition of the threat or use of force under Article 2 (4) of the Charter of the United Nations and article 22 of the Charter of the Organization of American States;

(iii) the prohibition to make the territory of other States the object, even temporarily, of military occupation, contrary to article 21 of the Charter of the Organization of American States; and

(iv) the obligation of Nicaragua under article IX of the 1858 Treaty of Limits not to use the San Juan River to carry out hostile acts.

(c) By its further conduct, Nicaragua has breached:

(i) the obligation to respect Costa Rica's territory and environment, including its wetland of international importance under the Ramsar Convention '*Humedal Caribe Noreste*', on Costa Rican territory;

(ii) Costa Rica's perpetual rights of free navigation on the San Juan in accordance with the 1858 Treaty of Limits, the 1888 Cleveland Award and the Court's Judgment of 13 July 2009;

(iii) the obligation to inform and consult with Costa Rica about any dredging, diversion or alteration of the course of the San Juan River, or any other works on the San Juan River that may cause damage to Costa Rican territory (including the Colorado River), its environment, or Costa Rican rights, in accordance with the 1888 Cleveland Award and relevant treaty and customary law;

(iv) the obligation to carry out an appropriate transboundary environmental impact assessment, which takes account of all potential significant adverse impacts on Costa Rican territory;

(v) the obligation not to dredge, divert or alter the course of the San Juan River, or conduct any other works on the San Juan River, if this causes damage to Costa Rican territory (including the Colorado River), its environment, or to Costa Rican rights under the 1888 Cleveland Award;

(vi) the obligations arising from the orders of the Court indicating provisional measures of 8 March 2011 and 22 November 2013;

(vii) the obligation to consult with Costa Rica on the implementation of obligations arising from the Ramsar Convention, in particular the obligation to coordinate future policies and regulations concerning the conservation of wetlands and their flora and fauna under Article 5 (1) of the Ramsar Convention; and

(viii) the agreement between the Parties, established in the exchange of Notes dated 19 and 22 September 2014, concerning navigation on the San Juan River by Costa Rica, close to the eastern *caño* constructed by Nicaragua in 2013.

(d) Nicaragua may not engage in any dredging operations or other works if and to the extent that these may cause damage to Costa Rican territory (including the Colorado River) or its environment, or which may impair Costa Rica's rights under the 1888 Cleveland Award, including its right not to have its territory occupied without its express consent.

(3) to order, in consequence, that Nicaragua must:

(a) repeal, by means of its own choosing, those provisions of the Decree 079 2009 and the Regulatory Norms annexed thereto of 1 October 2009 which are contrary to Costa Rica's right of free navigation under Article VI of the 1858 Treaty of Limits, the 1888 Cleveland Award, and the Court's Judgment of 13 July 2009;

(b) cease all dredging activities on the San Juan River in the vicinity of Delta Costa Rica and in the lower San Juan River, pending:

(i) an appropriate transboundary environmental impact assessment, which takes account of all potential significant adverse impacts on Costa Rican territory, carried out by Nicaragua and provided to Costa Rica;

(ii) formal written notification to Costa Rica of further dredging plans in the vicinity of Delta Costa Rica and in the lower San Juan River, not less than three months prior to the implementation of any such plans; and

(iii) due consideration of any comments made by Costa Rica upon receipt of said notification.

(c) make reparation in the form of compensation for the material damage caused to Costa Rica, including but not limited to:

(i) damage arising from the construction of artificial *caños* and destruction of trees and vegetation on the 'disputed territory';

(ii) the cost of the remediation measures carried out by Costa Rica in relation to those damages, including but not limited to those taken to close the eastern *caño* constructed by Nicaragua in 2013, pursuant to paragraph 59 (2) (E) of the Court's Order on Provisional Measures of 22 November 2013;

the amount of such compensation to be determined in a separate phase of these proceedings;

(d) provide satisfaction so to achieve full reparation of the injuries caused to Costa Rica in a manner to be determined by the Court;

(e) provide appropriate assurances and guarantees of non-repetition of Nicaragua's unlawful conduct, in such a form as the Court may order; and

(f) pay all the costs and expenses incurred by Costa Rica in requesting and obtaining the Order on Provisional Measures of 22 November 2013, including, but not limited to, the fees and expenses of Costa Rica's counsel and experts, with interest, on a full indemnity basis.

For Nicaragua (on 29 April 2015):

"In accordance with Article 60 of the Rules and the reasons given during the written and oral phase of the pleadings the Republic of Nicaragua respectfully requests the Court to:

(a) Dismiss and reject the requests and submissions of the Republic of Costa Rica.

(b) Adjudge and declare that:

(i) Nicaragua enjoys full sovereignty over the *caño* joining Harbor Head Lagoon with the San Juan River proper, the right bank of which constitutes the land boundary as established by the 1858 Treaty as interpreted by the Cleveland and Alexander Awards;

(ii) Costa Rica is under an obligation to respect the sovereignty and territorial integrity of Nicaragua, within the boundaries delimited by the 1858 Treaty of Limits as interpreted by the Cleveland and Alexander Awards;

(iii) Nicaragua is entitled, in accordance with the 1858 Treaty as interpreted by the subsequent arbitral awards, to execute works to improve navigation on the San Juan River as it deems suitable, and that these works include the dredging of the San Juan de Nicaragua River;

(iv) The only rights enjoyed by Costa Rica on the San Juan de Nicaragua River are those defined by said Treaty as interpreted by the Cleveland and Alexander Awards."

124. The Court has begun its deliberation. It will deliver its judgment at public sitting, the date of which will be announced in due course.

5. *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*

125. On 22 December 2011, Nicaragua filed an application instituting proceedings against Costa Rica with regard to "violations of Nicaraguan sovereignty and major environmental damages to its territory". Nicaragua contends that Costa Rica is carrying out major construction works along most of the border area between the two countries with grave environmental consequences.

126. In its application, Nicaragua claims, inter alia, that "Costa Rica's unilateral actions ... threaten to destroy the San Juan de Nicaragua River and its fragile ecosystem, including the adjacent biosphere reserves and internationally protected wetlands that depend upon the clean and uninterrupted flow of the River for their survival". According to the applicant, "[t]he most immediate threat to the River and its environment is posed by Costa Rica's construction of a road running parallel and in extremely close proximity to the southern bank of the River, and extending for a distance of at least 120 kilometres, from Los Chiles in the west to Delta in the east". It further states that "[t]hese works have already caused and will continue to cause significant economic damage to Nicaragua".

127. Nicaragua accordingly "requests the Court to adjudge and declare that Costa Rica has breached: *(a)* its obligation not to violate Nicaragua's territorial integrity as delimited by the 1858 Treaty of Limits, the Cleveland Award of 1888 and the five Awards of the Umpire EP Alexander of 30 September 1897, 20 December 1897, 22 March 1898, 26 July 1899 and 10 March 1900; *(b)* its obligation not to damage Nicaraguan territory; *(c)* its obligations under general international law and the relevant environmental conventions, including the Ramsar Convention on Wetlands, the Agreement over the Border Protected Areas between Nicaragua and Costa Rica (International System of Protected Areas for Peace [SI A PAZ] Agreement), the Convention on Biological Diversity and the Convention for the Conservation of the Biodiversity and Protection of the Main Wild Life Sites in Central America".

128. Furthermore, Nicaragua requested the Court to adjudge and declare that Costa Rica must: "*(a)* restore the situation to the *status quo ante*; *(b)* pay for all damages caused including the costs added to the dredging of the San Juan River; *(c)* not undertake any future development in the area without an appropriate transboundary Environmental Impact Assessment and that this assessment must be presented in a timely fashion to Nicaragua for its analysis and reaction".

129. Finally, Nicaragua requested the Court to adjudge and declare that Costa Rica must: "*(a)* cease all the constructions underway that affect or may affect the rights of Nicaragua; *(b)* produce and present to Nicaragua an adequate Environmental Impact Assessment with all the details of the works".

130. As basis for the jurisdiction of the Court, the applicant invokes article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948. In addition, it invokes the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973, under Article 36, paragraph 2, of the Statute, and that made by Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of

International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction (see A/67/4, para. 249, and subsequent supplements).

131. By an order of 23 January 2012, the Court fixed 19 December 2012 and 19 December 2013 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Costa Rica. Those pleadings were filed within the time limits thus fixed.

132. By two separate orders dated 17 April 2013, the Court joined the proceedings in the *Costa Rica* v. *Nicaragua* case (see paras. 110 124 above) with those in the *Nicaragua* v. *Costa Rica* case.

133. On 11 October 2013, Nicaragua filed in the Registry of the Court a request for the indication of provisional measures in the case.

134. After holding public hearings on that request from 5 to 8 November 2013, the Court delivered its order on 13 December 2013. It found, unanimously, "that the circumstances, as they now present themselves to [it], are not such as to require the exercise of its power ... to indicate provisional measures".

135. By an order of 3 February 2014, the Court authorized the submission of a reply by Nicaragua and a rejoinder by Costa Rica and fixed 4 August 2014 and 2 February 2015 as the respective time limits for the filing of those pleadings. Those pleadings were filed within the time limits thus prescribed.

136. Public hearings were held in the joined cases from 14 April to 1 May 2015. At the conclusion of the hearings in the *Nicaragua* v. *Costa Rica* case, the parties presented the following final submissions to the Court:

For Nicaragua (30 April 2015):

"1. In accordance with Article 60 of the Rules and the reasons given during the written and oral phase of the pleadings the Republic of Nicaragua respectfully requests the Court to adjudge and declare that, by its conduct, the Republic of Costa Rica has breached:

(i) Its obligation not to violate the integrity of Nicaragua's territory as delimited by the 1858 Treaty of Limits as interpreted by the Cleveland Award of 1888 and the five Awards of the Umpire E. P. Alexander of 30 September 1897, 20 December 1897, 22 March 1898, 26 July 1899, and 10 March 1900;

(ii) Its obligation not to damage Nicaraguan territory;

(iii) Its obligations under general international law and the relevant environmental conventions, including the Ramsar Convention on Wetlands, the Agreement over the Border Protected Areas between Nicaragua and Costa Rica (International System of Protected Areas for Peace [SI A PAZ] Agreement), the Convention on Biological Diversity and the Convention for the Conservation of the Biodiversity and Protection of the Main Wild Life Sites in Central America.

2. Nicaragua also requests the Court to adjudge and declare that Costa Rica must:

(i) Cease all its continuing internationally wrongful acts that affect or are likely to affect the rights of Nicaragua;

(ii) Inasmuch as possible, restore the situation to the *status quo ante*, in full respect of Nicaragua's sovereignty over the San Juan de Nicaragua River, including by taking the emergency measures necessary to alleviate or mitigate the continuing harm being caused to the River and the surrounding environment;

(iii) Compensate for all damages caused in so far as they are not made good by restitution, including the costs added to the dredging of the San Juan de Nicaragua River, with the amount of the compensation to be determined in a subsequent phase of the case.

3. Furthermore, Nicaragua requests the Court to adjudge and declare that Costa Rica must:

(i) Not undertake any future development in the area without an appropriate transboundary Environmental Impact Assessment and that this assessment must be presented in a timely fashion to Nicaragua for its analysis and reaction;

(ii) Refrain from using Route 1856 to transport hazardous material as long as it has not given the guarantees that the road complies with the best construction practices and the highest regional and international standards of security for road traffic in similar situations.

4. The Republic of Nicaragua further requests the Court to adjudge and declare that Nicaragua is entitled:

(i) In accordance with the 1858 Treaty as interpreted by the subsequent arbitral awards, to execute works to improve navigation on the San Juan River and that these works include the dredging of the San Juan de Nicaragua River to remove sedimentation and other barriers to navigation."

For Costa Rica (1 May 2015):

"For the reasons set out in the written and oral pleadings, Costa Rica requests the Court to dismiss all of Nicaragua's claims in this proceeding."

137. The Court has begun its deliberation. It will pronounce on the cases at a public sitting, the date of which will be announced in due course.

6. *Obligation to Negotiate Access to the Pacific Ocean (Bolivia* v. *Chile)*

138. On 24 April 2013, Bolivia filed an application instituting proceedings against the Republic of Chile concerning a dispute in relation to "Chile's obligation to negotiate in good faith and effectively with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean".

139. Bolivia's application contains a summary of the facts — starting from the independence of that country in 1825 and continuing until the present day — which, according to Bolivia, constitute "the main relevant facts on which [its] claim is based".

140. In its application, Bolivia states that the subject of the dispute lies in: "*(a)* the existence of th[e above mentioned] obligation, *(b)* the non-compliance with that obligation by Chile, and *(c)* Chile's duty to comply with the said obligation".

141. Bolivia asserts, inter alia, that "beyond its general obligations under international law, Chile has committed itself, more specifically through agreements, diplomatic practice and a series of declarations attributable to its highest level representatives, to negotiate a sovereign access to the sea for Bolivia". According to Bolivia, "Chile has not complied with this obligation and ... the existence of its obligation".

142. Bolivia accordingly requests the Court "to adjudge and declare that:

(a) Chile has the obligation to negotiate with Bolivia in order to reach an agreement granting Bolivia a fully sovereign access to the Pacific Ocean;

(b) Chile has breached the said obligation;

(c) Chile must perform the said obligation in good faith, promptly, formally, within a reasonable time and effectively, to grant Bolivia a fully sovereign access to the Pacific Ocean".

143. As basis for the jurisdiction of the Court, the applicant invokes article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948, to which both States are parties.

144. At the end of its application, Bolivia "reserves the right to request that an arbitral tribunal be established in accordance with the obligation under article XII of the Treaty of Peace and Friendship concluded with Chile on 20 October 1904 and the Protocol of 16 April 1907, in the case of any claims arising out of the said Treaty".

145. By an order dated 18 June 2013, the Court fixed 17 April 2014 and 18 February 2015 as the respective time limits for the filing of the memorial of Bolivia and the counter-memorial of Chile. The memorial was filed within the time limit thus fixed.

146. On 15 July 2014, Chile, referring to article 79, paragraph 1, of the Rules of Court, filed a preliminary objection to the jurisdiction of the Court in the case. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended.

147. By an order of 15 July, the President of the Court fixed 14 November 2014 as the time limit for the filing by Bolivia of a written statement of its observations and submissions on the preliminary objection raised by Chile. The written statement of Bolivia was filed within the time limit thus fixed.

148. The public hearings on the preliminary objection to the jurisdiction of the Court were held from 4 to 8 May 2015. At the conclusion of the hearings, the parties presented the following submissions to the Court:

For Chile:

"The Republic of Chile respectfully requests the Court to adjudge and declare that the claim brought by Bolivia against Chile is not within the jurisdiction of the Court."

For Bolivia:

"Bolivia respectfully asks the Court:

(a) to reject the objection to its jurisdiction submitted by Chile;

(b) to adjudge and declare that the claim brought by Bolivia enters within its jurisdiction."

149. The Court's judgment on the preliminary objection will be delivered at a public sitting, the date of which will be announced in due course.

7. *Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua* v. *Colombia)*

150. On 16 September 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the delimitation of the boundaries between, on the one hand, the continental shelf of Nicaragua beyond the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and on the other hand, the continental shelf of Colombia".

151. In its application, Nicaragua requested the Court to "adjudge and declare ... [t]he precise course of the maritime boundary between Nicaragua and Colombia in the areas of the continental shelf which appertain to each of them beyond the boundaries determined by the Court in its judgment of 19 November 2012" in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*. The applicant further requested the Court to state "[t]he principles and rules of international law that determine the rights and duties of the two States in relation to the area of overlapping continental shelf claims and the use of its resources, pending the delimitation of the maritime boundary between them beyond 200 nautical miles from Nicaragua's coast".

152. Nicaragua recalled that "[t]he single maritime boundary between the continental shelf and the exclusive economic zones of Nicaragua and of Colombia within the 200-nautical-mile limit from the baselines from which the breadth of the territorial sea of Nicaragua is measured was defined by the Court in paragraph 251 of its Judgment of 19 November 2012".

153. Nicaragua further recalled that "[i]n that case it had sought a declaration from the Court describing the course of the boundary of its continental shelf throughout the area of the overlap between its continental shelf entitlement and that of Colombia", but that "the Court considered that Nicaragua had not then established that it has a continental margin that extends beyond 200 nautical miles from the baselines from which its territorial sea is measured, and that [the Court] was therefore not then in a position to delimit the continental shelf as requested by Nicaragua".

154. Nicaragua contends that the "final information" submitted by it to the Commission on the Limits of the Continental Shelf on 24 June 2013 "demonstrates that Nicaragua's continental margin extends more than 200 nautical miles from the baselines from which the breadth of the territorial sea of Nicaragua is measured, and both (i) traverses an area that lies more than 200 nautical miles from Colombia and also (ii) partly overlaps with an area that lies within 200 nautical miles of Colombia's coast".

155. The applicant also observes that the two States "have not agreed upon a maritime boundary between them in the area beyond 200 nautical miles from the coast of Nicaragua. Further, Colombia has objected to continental shelf claims in that area".

156. Nicaragua bases the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá"), to which "both Nicaragua and Colombia are Parties". Nicaragua states that it has been "constrained into taking action upon this matter rather sooner than later in the form of the present application" because "on 27 November 2012, Colombia gave notice that it denounced as of that date the Pact of Bogotá; and in accordance with article LVI of the Pact, that denunciation will take effect after one year, so that the Pact remains in force for Colombia until 27 November 2013".

157. In addition, Nicaragua contends that, "the subject-matter of the ... Application remains within the jurisdiction of the Court established in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*, ... in as much as the Court did not in its judgment dated 19 November 2012 definitively determine the question of the delimitation of the continental shelf between Nicaragua and Colombia in the area beyond 200 nautical miles from the Nicaraguan coast, which question was and remains before the Court in that case".

158. By an order of 9 December 2013, the Court fixed 9 December 2014 and 9 December 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia.

159. On 14 August 2014, Colombia, referring to article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court and to the admissibility of the application. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended.

160. By an order of 19 September 2014, the Court fixed 19 January 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

161. By a letter dated 17 February 2015, Chile, referring to article 53, paragraph 1, of the Rules of Court, asked to be furnished with copies of the pleadings and documents annexed in the case. In accordance with the same article, the Court, after ascertaining the views of the parties, granted that request.

8. *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua* v. *Colombia)*

162. On 26 November 2013, Nicaragua filed an application instituting proceedings against Colombia relating to a "dispute concern[ing] the violations of Nicaragua's sovereign rights and maritime zones declared by the Court's Judgment of 19 November 2012 [in the case concerning the *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*] and the threat of the use of force by Colombia in order to implement these violations".

163. In its application, Nicaragua

> "requests the Court to adjudge and declare that Colombia is in breach of: its obligation not to use or threaten to use force under Article 2 (4) of the Charter [of the United Nations] and international customary law; its obligation not to

> violate Nicaragua's maritime zones as delimited in paragraph 251 of the ICJ Judgment of 19 November 2012 as well as Nicaragua's sovereign rights and jurisdiction in these zones; its obligation not to violate Nicaragua's rights under customary international law as reflected in Parts V and VI of UNCLOS [the 1982 United Nations Convention on the Law of the Sea]; and that, consequently, Colombia is bound to comply with the Judgment of 19 November 2012, wipe out the legal and material consequences of its internationally wrongful acts, and make full reparation for the harm caused by those acts".

164. In support of its claim, the applicant cited various declarations reportedly made between 19 November 2012 and 18 September 2013 by the President, the Vice-President and the Minister for Foreign Affairs of Colombia, as well as by the Commander of the Colombian Navy. Nicaragua claims that those declarations represent a "rejection" by Colombia of the judgment of the Court, and a decision on Colombia's part to consider the judgment "not applicable".

165. Nicaragua stated that "these declarations by the highest Colombian Authorities culminated with the enactment [by the President of Colombia] of a Decree that openly violated Nicaragua's sovereign rights over its maritime areas in the Caribbean". Specifically, the applicant quotes article 5 of Presidential Decree 1946, establishing an "Integral Contiguous Zone", which, according to the President of Colombia, "covers maritime spaces that extend from the south, where the Albuquerque and East Southeast keys are situated, and to the north, where Serranilla Key is located ... [and] includes the San Andrés, Providencia and Santa Catalina, Quitasueño, Serrana and Roncador islands, and the other formations in the area".

166. Nicaragua further states that the President of Colombia has declared that "[i]n this Integral Contiguous Zone [Colombia] will exercise jurisdiction and control over all areas related to security and the struggle against delinquency, and over fiscal, customs, environmental, immigration and health matters and other areas as well".

167. Nicaragua concludes with the following statement:

> "Prior and especially subsequent to the enactment of Decree 1946, the threatening declarations by Colombian Authorities and the hostile treatment given by Colombian naval forces to Nicaraguan vessels have seriously affected the possibilities of Nicaragua for exploiting the living and non-living resources in its Caribbean exclusive economic zone and continental shelf."

168. According to the applicant, the President of Nicaragua indicated his country's willingness "to discuss issues relating to the implementation of the Court's Judgment" and its determination "to manage the situation peacefully", but the President of Colombia "rejected the dialogue".

169. Nicaragua bases the jurisdiction of the Court on article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá") of 30 April 1948, to which "both Nicaragua and Colombia are Parties". Nicaragua points out that "on 27 November 2012, Colombia gave notice that it denounced as of that date the Pact of Bogotá; and in accordance with article LVI of the Pact, that denunciation will take effect after one year, so that the Pact remains in force for Colombia until 27 November 2013".

170. In addition, Nicaragua argues, "moreover and alternatively, [that] the jurisdiction of the Court lies in its inherent power to pronounce on the actions required by its Judgments".

171. By an order of 3 February 2014, the Court fixed 3 October 2014 and 3 June 2015 as the respective time limits for the filing of a memorial by Nicaragua and a counter-memorial by Colombia. The memorial of Nicaragua was filed within the time limit thus fixed.

172. On 19 December 2014, Colombia, referring to article 79 of the Rules of Court, raised certain preliminary objections to the jurisdiction of the Court. In accordance with paragraph 5 of the same article, the proceedings on the merits were then suspended.

173. By an order of 19 December 2014, the President of the Court fixed 20 April 2015 as the time limit within which Nicaragua might present a written statement of its observations and submissions on the preliminary objections raised by Colombia. The written statement of Nicaragua was filed within the time limit thus fixed.

174. By a letter dated 17 February 2015, Chile, referring to article 53, paragraph 1, of the Rules of Court, asked to be furnished with copies of the pleadings and documents annexed in the case. In accordance with the same article, the Court, after ascertaining the views of the parties, granted that request.

9. *Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste* v. *Australia)*

175. On 17 December 2013, the Democratic Republic of Timor-Leste filed an application instituting proceedings against Australia concerning the seizure and subsequent detention by "agents of Australia of documents, data and other property which belong[ed] to Timor-Leste and/or which Timor-Leste ha[d] the right to protect under international law".

176. In particular, Timor-Leste contended that, on 3 December 2013, officers of the Australian Security Intelligence Organization, allegedly acting under a warrant issued by the Attorney-General of Australia, had attended the business premises of a legal adviser to Timor-Leste in Canberra and seized, inter alia, documents and data containing correspondence between the Government of Timor-Leste and its legal advisers, notably documents relating to a pending arbitration under the 2002 Timor Sea Treaty between Timor-Leste and Australia.

177. Timor-Leste accordingly requested the Court to adjudge and declare:

> "First, [t]hat the seizure by Australia of the documents and data [had] violated (i) the sovereignty of Timor-Leste and (ii) its property and other rights under international law and any relevant domestic law;
>
> Second, [t]hat continuing detention by Australia of the documents and data violate[d] (i) the sovereignty of Timor-Leste and (ii) its property and other rights under international law and any relevant domestic law;
>
> Third, [t]hat Australia must immediately return to the nominated representative of Timor-Leste any and all of the aforesaid documents and data, and destroy beyond recovery every copy of such documents and data that [was] in Australia's possession or control, and ensure the destruction of every

copy that Australia ha[d] directly or indirectly passed to a third person or third State;

Fourth, [t]hat Australia should afford satisfaction to Timor-Leste in respect of the above-mentioned violations of its rights under international law and any relevant domestic law, in the form of a formal apology as well as the costs incurred by Timor-Leste in preparing and presenting the present Application."

178. As basis for the jurisdiction of the Court, the applicant invoked the declarations made by Timor-Leste and Australia pursuant to Article 36, paragraph 2, of the Statute of the Court.

179. On 17 December 2013, Timor-Leste also filed a request for the indication of provisional measures. It stated that the purpose of the request was to protect its rights and to prevent the use of seized documents and data by Australia against the interests and rights of Timor-Leste in the pending arbitration and with regard to other matters relating to the Timor Sea and its resources (see A/69/4, para. 189).

180. Public hearings on Timor-Leste's request for the indication of provisional measures were held from 20 to 22 January 2014.

181. At the end of the second round of oral observations, Timor-Leste confirmed the provisional measures it had requested the Court to indicate; the agent of Australia, for his part, presented the following submissions on behalf of his Government:

"1. Australia requests the Court to refuse the Request for the indication of provisional measures submitted by the Democratic Republic of Timor-Leste.

2. Australia further requests the Court stay the proceedings until the Arbitral Tribunal has rendered its judgment in the *Arbitration under the Timor Sea Treaty*."

182. By an order of 28 January 2014, the Court fixed 28 April 2014 and 28 July 2014 as the respective time limits for the filing of a memorial by Timor-Leste and a counter-memorial by Australia. Those pleadings were filed within the time limits thus fixed.

183. By an order of 3 March 2014, the Court indicated the following provisional measures:

"(1) Australia shall ensure that the content of the seized material is not in any way or at any time used by any person or persons to the disadvantage of Timor-Leste until the present case has been concluded;

(2) Australia shall keep under seal the seized documents and electronic data and any copies thereof until further decision of the Court;

(3) Australia shall not interfere in any way in communications between Timor-Leste and its legal advisers in connection with the pending *Arbitration under the Timor Sea Treaty of 20 May 2002* between Timor-Leste and Australia, with any future bilateral negotiations concerning maritime delimitation, or with any other related procedure between the two States, including the present case before the Court."

184. The Court decided to hold public hearings in the case from 17 to 24 September 2014.

185. By a joint letter dated 1 September 2014 from Joaquim da Fonseca, agent of Timor-Leste, and John Reid, agent of Australia, the parties requested the Court "to adjourn the hearing set to commence on 17 September 2014, in order to enable [them] to seek an amicable settlement".

186. On 3 September 2014, the Court, pursuant to article 54 of the Rules of Court, decided to grant the parties' request to postpone the oral proceedings.

187. By letter dated 25 March 2015, Australia indicated that it wished to return the documents and data seized. It accordingly requested the modification of the second provisional measure indicated by the Court in its order of 3 March 2014. Australia requested the Court "to exercise its power under Article 76 (1) of the Rules to authorise the removal of the materials from their current location, where they have been kept under seal, and to allow their return still sealed to Collaery Lawyers". In its written observations on that request, Timor-Leste took note of Australia's request and stated that it "would have no objection" to the modification of the said order for that purpose.

188. By an order dated 22 April 2015, the Court decided to grant Australia's request for the modification of the order indicating provisional measures rendered on 3 March 2014 and authorized the return, still sealed, to Timor-Leste of all the documents and data seized on 3 December 2013 by Australia.

189. By a joint letter dated 15 May 2015, the two parties, in accordance with the Court's order of 22 April 2015, confirmed that, on 12 May 2015, Australia had returned the documents and data which it had seized on 3 December 2013.

190. In a letter dated 2 June 2015, the Agent of Timor-Leste explained that "[f]ollowing the return of the seized documents and data by Australia on 12 May 2015, Timor-Leste [had] successfully achieved the purpose of its Application to the Court, namely the return of Timor-Leste's rightful property, and therefore implicit recognition by Australia that is actions [had been] in violation of Timor-Leste's sovereign rights", and informed the Court that his Government wished to discontinue the proceedings in the case.

191. A copy of that letter was immediately communicated to the Government of Australia. By a letter dated 9 June 2015, the Agent of Australia informed the Court that his Government had no objection to the discontinuance of the case as requested by Timor-Leste. The Agent of Australia reiterated that, as indicated in his letter of 25 March 2015 addressed to the Court, "Australia's request to return the material was an affirmation of [its] commitment to the peaceful settlement of the dispute in a constructive and positive manner in order to put it behind the Parties", and added that "[n]o other implication should be drawn from Australia's actions".

192. In consequence, on 11 June 2015, the President of the Court made an order recording the discontinuance by Timor-Leste of the proceedings and directing the removal of the case from the Court's List.

10. *Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica* v. *Nicaragua)*

193. On 25 February 2014, Costa Rica filed an application instituting proceedings against Nicaragua with regard to a "[d]ispute concerning maritime delimitation in the Caribbean Sea and the Pacific Ocean".

194. In its application, Costa Rica requests the Court "to determine the complete course of a single maritime boundary between all the maritime areas appertaining, respectively, to Costa Rica and to Nicaragua in the Caribbean Sea and in the Pacific Ocean, on the basis of international law". It further requests the Court "to determine the precise geographical co-ordinates of the single maritime boundaries in the Caribbean Sea and in the Pacific Ocean".

195. Costa Rica explained that "[t]he coasts of the two States generate overlapping entitlements to maritime areas in both the Caribbean Sea and the Pacific Ocean" and that "[t]here has been no maritime delimitation between the two States [in either body of water]".

196. The applicant stated that "[d]iplomatic negotiations have failed to establish by agreement the maritime boundaries between Costa Rica and Nicaragua in the Pacific Ocean and the Caribbean Sea", referring to various failed attempts to settle this issue by means of negotiations between 2002 and 2005, and in 2013. It further maintained that the two States "have exhausted diplomatic means to resolve their maritime boundary disputes".

197. According to the applicant, during negotiations, Costa Rica and Nicaragua "presented different proposals for a single maritime boundary in the Pacific Ocean to divide their respective territorial seas, exclusive economic zones and continental shelves" and "[t]he divergence between the ... proposals demonstrated that there is an overlap of claims in the Pacific Ocean".

198. With respect to the Caribbean Sea, Costa Rica maintains that in negotiations both States "focused on the location of the initial land boundary marker on the Caribbean side, but ... were unable to reach agreement on the starting point of the maritime boundary".

199. In the view of the applicant:

> "[the existence of a dispute] between the two States as to the maritime boundary in the Caribbean Sea has been affirmed ..., in particular by the views and positions expressed by both States during Costa Rica's request to intervene in *Territorial and Maritime Dispute (Nicaragua* v. *Colombia)*; in exchanges of correspondence following Nicaragua's submissions to the Commission on the Limits of the Continental Shelf; by Nicaragua's publication of oil exploration and exploitation material; and by Nicaragua's issuance of a decree declaring straight baselines in 2013".

200. According to Costa Rica, in that decree, "Nicaragua claims as internal waters areas of Costa Rica's territorial sea and exclusive economic zone in the Caribbean Sea". The applicant added that it "promptly protested this violation of its sovereignty, sovereign rights and jurisdiction in a letter to the United Nations Secretary-General dated 23 October 2013".

201. Costa Rica claims that, in March 2013, it once again invited Nicaragua to resolve these disputes through negotiations, but that Nicaragua, while formally accepting this invitation, "took no further action to restart the negotiation process it had unilaterally abandoned in 2005".

202. As basis for the jurisdiction of the Court, Costa Rica invoked the declaration of acceptance of the compulsory jurisdiction of the Court made by Costa Rica on 20 February 1973 under Article 36, paragraph 2, of the Statute, and that made by

Nicaragua on 24 September 1929 (and amended on 23 October 2001), under Article 36 of the Statute of the Permanent Court of International Justice, which is deemed, pursuant to Article 36, paragraph 5, of the Statute of the present Court, to be acceptance of the latter's compulsory jurisdiction.

203. In addition, Costa Rica submits that the Court has jurisdiction in accordance with the provisions of Article 36, paragraph 1, of its Statute, by virtue of the operation of article XXXI of the American Treaty on Pacific Settlement ("Pact of Bogotá"), signed on 30 April 1948.

204. By an order dated 1 April 2014, the Court fixed 3 February 2015 and 8 December 2015 as the respective time limits for the filing of a memorial by Costa Rica and a counter-memorial by Nicaragua. The memorial of Costa Rica was filed within the time limit thus fixed.

11. *Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India)*

205. On 24 April 2014, the Republic of the Marshall Islands filed an application instituting proceedings against the Republic of India, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

206. Although India has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Marshall Islands, which for its part acceded to that Treaty as a party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The applicant contended that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [India] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

207. The applicant further requested the Court to order the respondent to take all steps necessary to comply with the said obligations within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

208. In support of its application against India, the applicant invoked, as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by India on 18 September 1974.

209. By an order of 16 June 2014, the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and fixed 16 December 2014 and 16 June 2015 as the respective time limits for the filing of the memorial by the Marshall Islands and the counter-memorial of India. The memorial of the Marshall Islands was filed within the time limit thus fixed.

210. By a letter dated 5 May 2015, India requested a three-month extension, beyond 16 June 2015, of the time limit for the filing of its counter-memorial on the question of jurisdiction. Upon receipt of that letter, the Registrar transmitted a copy thereof

to the Marshall Islands. By a letter dated 8 May 2015, the Marshall Islands informed the Court that it had no objection to the granting of India's request. By an order dated 19 May 2015, the Court extended from 16 June 2015 to 16 September 2015 the time limit for the filing of the counter-memorial of India.

12. ***Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands* v. *Pakistan)***

211. On 24 April 2014, the Marshall Islands filed an application instituting proceedings against the Islamic Republic of Pakistan, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

212. Although Pakistan has not ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Marshall Islands, which for its part acceded to that Treaty as a party on 30 January 1995, asserted that "[t]he obligations enshrined in Article VI of the NPT are not merely treaty obligations; they also exist separately under customary international law" and apply to all States as a matter of customary international law. The applicant contends that "by engaging in conduct that directly conflicts with the obligations of nuclear disarmament and cessation of the nuclear arms race at an early date, [Pakistan] has breached and continues to breach its legal duty to perform its obligations under customary international law in good faith".

213. The applicant further requested the Court to order the respondent to take all steps necessary to comply with the said obligations within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

214. In support of its application against Pakistan, the applicant invoked as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by Pakistan on 13 September 1960.

215. By an order of 10 July 2014, the President of the Court decided that the written pleadings would first be addressed to the question of the Court's jurisdiction and the admissibility of the application, and fixed 12 January 2015 and 17 July 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of Pakistan. The memorial of the Marshall Islands was filed within the time limit thus fixed.

216. By a note verbale dated 2 July 2015, the Government of Pakistan requested a six-month extension of the time limit for the filing of its counter-memorial. Upon receipt of that note verbale, the Registrar transmitted a copy thereof to the Marshall Islands. By a letter dated 8 July 2015, the Government of the Marshall Islands informed the Court that, for the reasons given in that letter, it "would be comfortable with the Court's expanding the initial six-month time limit [for the filing of the Counter-Memorial of Pakistan] to nine months in total, counting from the [date of the filing by the Marshall Islands of the] Memorial".

217. By an order dated 9 July 2015, the President of the Court extended from 17 July 2015 to 1 December 2015 the time limit for the filing of the counter-

memorial of Pakistan on the questions of the jurisdiction of the Court and the admissibility of the application.

13. ***Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom)***

218. On 24 April 2014, the Marshall Islands filed an application instituting proceedings against the United Kingdom of Great Britain and Northern Ireland, accusing it of not fulfilling its obligations with respect to the cessation of the nuclear arms race at an early date and to nuclear disarmament.

219. The Marshall Islands invokes breaches by the United Kingdom of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which provides that "[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." The Marshall Islands contends that, "by not actively pursuing negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and instead engaging in conduct that directly conflicts with those legally binding commitments, the Respondent has breached and continues to breach its legal duty to perform its obligations under the NPT and customary international law in good faith".

220. In addition, the applicant requested the Court to order the United Kingdom to take all steps necessary to comply with its obligations under article VI of the NPT and under customary international law within one year of the judgment, including the pursuit, by initiation if necessary, of negotiations in good faith aimed at the conclusion of a convention on nuclear disarmament in all its aspects under strict and effective international control.

221. In support of its application against the United Kingdom, the applicant invoked, as basis for the Court's jurisdiction, Article 36, paragraph 2, of its Statute, and referred to the declarations accepting the compulsory jurisdiction of the Court made under that provision by the Marshall Islands on 24 April 2013 and by the United Kingdom on 5 July 2004.

222. By an order of 16 June 2014, the Court fixed 16 March 2015 and 16 December 2015 as the respective time limits for the filing of the memorial of the Marshall Islands and the counter-memorial of the United Kingdom. The memorial of the Marshall Islands was filed within the time limit thus fixed.

223. On 15 June 2015, the United Kingdom, referring to article 79, paragraph 1, of the Rules of Court, raised certain preliminary objections in the case. In accordance with paragraph 5 of the same article, the proceedings on the merits have therefore been suspended. Pursuant to that paragraph, and taking account of Practice Direction V, the President, by an order dated 19 June 2015, fixed 15 October 2015 as the time limit within which the Marshall Islands may present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom.

14. ***Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)***

224. On 28 August 2014, the Federal Republic of Somalia filed an application instituting proceedings against the Republic of Kenya with regard to a dispute

concerning the delimitation of maritime spaces claimed by both States in the Indian Ocean.

225. In its application, Somalia contends that both States "disagree about the location of the maritime boundary in the area where their maritime entitlements overlap", and asserts that "[d]iplomatic negotiations, in which their respective views have been fully exchanged, have failed to resolve this disagreement".

226. In consequence, Somalia requested the Court "to determine, on the basis of international law, the complete course of the single maritime boundary dividing all the maritime areas appertaining to Somalia and to Kenya in the Indian Ocean, including the continental shelf beyond 200 [nautical miles]". The applicant further asked the Court "to determine the precise geographical coordinates of the single maritime boundary in the Indian Ocean".

227. In the view of the applicant, the maritime boundary between the parties in the territorial sea, exclusive economic zone and continental shelf should be established in accordance with, respectively, articles 15, 74 and 83 of the United Nations Convention on the Law of the Sea. Somalia explains that, accordingly, the boundary line in the territorial sea "should be a median line as specified in article 15, since there are no special circumstances that would justify departure from such a line" and that, in the exclusive economic zone and continental shelf, the boundary "should be established according to the three-step process the Court has consistently employed in its application of articles 74 and 83".

228. The applicant asserted that "Kenya's current position on the maritime boundary is that it should be a straight line emanating from the parties' land boundary terminus, and extending due east along the parallel of latitude on which the land boundary terminus sits, through the full extent of the territorial sea, exclusive economic zone and continental shelf, including the continental shelf beyond 200 [nautical miles]".

229. Somalia finally indicates that it "reserves its rights to supplement or amend [its] Application".

230. As basis for the Court's jurisdiction, the applicant invoked the provisions of Article 36, paragraph 2, of the Court's Statute, referring to the declarations recognizing the Court's jurisdiction as compulsory made by Somalia on 11 April 1963 and by Kenya on 19 April 1965.

231. In addition, Somalia submits that "the jurisdiction of the Court under Article 36, paragraph 2, of its Statute is underscored by Article 282 of the Convention on the Law of the Sea", which Somalia and Kenya both ratified in 1989.

232. By an order of 16 October 2014, the President of the Court fixed 13 July 2015 and 27 May 2016 as the respective time limits for the filing of a memorial by Somalia and a counter-memorial by Kenya. The memorial of Somalia was filed within the time limit thus fixed.

Chapter VI
Visits to the Court and other activities

233. During the period under review, the Court welcomed a large number of dignitaries to its seat.

Visit of representatives of Member States on the United Nations Security Council

234. On 11 August 2014, the Court welcomed representatives of the Member States of the United Nations Security Council. The visit consisted of a private meeting among the members of the delegation and President Tomka, members of the Court, and the Registrar, Mr. Couvreur. Views were exchanged on a number of issues, including the importance of international justice, the role of the Court, its current case load and its relationship with the Council, as well as other matters of mutual interest. At the end of the meeting, the President of the Security Council, Sir Mark Lyall Grant, was invited to sign the Court's Visitors' Book.

Other official visits

235. On 25 September 2014, Juan Silva Meza, President of the Supreme Court of Mexico, visited the seat of the Court. He was accompanied by Eduardo Ibarrola Nicolín, Ambassador of Mexico to the Kingdom of the Netherlands, and Carlos Pérez Vázquez, adviser to Mr. Silva Meza. The Mexican delegation met President Tomka, Vice President Sepúlveda Amor and the Registrar. The Vice President then invited Messrs. Silva Meza, Ibarrola Nicolín and Pérez Vázquez to a guided tour of the Peace Palace.

236. On 19 January 2015, the Court was visited by Renée Jones Bos, Secretary-General of the Ministry of Foreign Affairs of the Netherlands, and Nora Stehouwer Van Iersel, the Ambassador for International Organizations of the Ministry of Foreign Affairs of the Netherlands. On their arrival, Ms. Jones Bos and Ms. Stehouwer Van Iersel were welcomed by President Tomka and the Registrar. A meeting was then held with the President, other members of the Court, the Registrar and Steven van Hoogstraten, General Director of the Carnegie Foundation. The main topic of discussion was working conditions in the building that had been made available on a temporary basis to members of the Court pending the completion of asbestos removal and renovation work in the part of the Peace Palace housing the judges' offices.

237. On 9 March 2015, Dorit Beinisch, President of the Supreme Court of Israel, paid a visit to the Court. She was accompanied by Haim Divon, Ambassador of Israel to the Netherlands, and other Israeli diplomats. Upon arrival, the delegation was received by Vice President Yusuf and the Registrar. The Vice President welcomed Ms. Beinisch on behalf of the Court. The President of the Supreme Court of Israel and her delegation then held discussions with the Vice President, other members of the Court and the Registrar.

238. On 23 April 2015, the Court was visited by Xhezair Zaganjori, President of the Supreme Court of Albania, who was accompanied by a delegation. Mr. Zaganjori was received upon arrival by the Registrar. Mr. Zaganjori and his entourage then held discussions with President Abraham, Vice President Yusuf, Judge Sebutinde and the Registrar.

239. On 12 May 2015, the Court was visited by Zainab Bangura, Special Representative of the Secretary-General on Sexual Violence in Conflict. Ms. Bangura held discussions with Judges Tomka and Cançado Trindade on the role and functioning of the Court, and on her own activities as a special representative, in particular in the area of the protection of women's rights.

240. On 26 May 2015, Pavel Šámal, President of the Supreme Court of the Czech Republic, visited the Court. Mr. Šámal and his delegation were received by Vice President Yusuf, Judge Crawford and the Deputy-Registrar. Discussions focused on the activities and jurisprudence of the two judicial institutions.

241. On 18 June 2015, Sung-tae, Chief Justice of the Supreme Court of the Republic of Korea, paid a visit to the Court, accompanied by a sizeable delegation of members of that court. Mr. Sung-tae and his entourage were welcomed by President Abraham, Judges Xue and Bhandari, and the Registrar. Mr. Sung-tae and members of his delegation held discussions with the President, members of the Court and the Registrar on the organization and functioning of the two courts. Mr. Sung-tae and his delegation were then invited on a guided tour of the Peace Palace.

242. The same day, the Court was visited by Johnston Busingye, Minister of Justice of the Republic of Rwanda, and his delegation. He was received by the President of the Court and the Registrar. The exchange of views that followed focused on different aspects of international justice, the role of the Court and the participation of African States in cases before it.

Other activities

243. The President and members of the Court, as well as the Registrar and various Registry officials, also welcomed a large number of academics, researchers, lawyers and journalists. Presentations on the role and functioning of the Court were made during those visits. In addition, the President, members of the Court and the Registrar delivered a number of speeches while visiting various countries, at the invitation of their Governments, and legal, academic and other institutions.

244. On Sunday 21 September 2014, the Court welcomed numerous visitors as part of "The Hague International Day". This was the seventh time that the Court had taken part in this event, organized in conjunction with the Municipality of The Hague and aimed at introducing the general public to the international organizations based in the city and surrounding area. The Information Department screened the film about the Court produced by the Registry, gave presentations and answered visitors' questions.

245. In June 2015, the Court participated in the organization and running of the fifth Ibero-American Week of International Justice, in cooperation with the International Criminal Court, the Ibero-American Institute of The Hague and other institutions. The Court hosted the opening ceremony, which was held in the Great Hall of Justice of the Peace Palace on 1 June. On that occasion, the Registrar of the Court gave a speech in Spanish. On 11 June, as part of this event, the Registrar gave a talk, also in Spanish, on the theme "Ibero-American States in the history of the International Court of Justice".

Chapter VII
Publications and presentation of the Court to the public

A. Publications

246. The publications of the Court are distributed to the Governments of all States entitled to appear before it, to international organizations and to the world's major law libraries. The catalogue of those publications, which is produced in English and French, is distributed free of charge. A revised and updated version of the catalogue (containing the 13 digit ISBN references) was published during the period under review. It is available on the Court's website (www.icg-cij.org) under the heading "Publications".

247. The publications of the Court consist of several series. The following two series are published annually: (a) *Reports of Judgments, Advisory Opinions and Orders* (published in separate fascicles and as a bound volume); and (b) *Yearbooks*.

248. The bound volume of *Reports 2014* was published during the preparation of the present report. The bound volume of *Reports 2015* will appear during the first half of 2016. The Court's *Yearbook 2012-2013* was also published during the period under review, while the *Yearbook 2013-2014* will be available, for the first time in a bilingual version (English and French), in the second half of 2015.

249. The Court also publishes bilingual printed versions of the instruments instituting proceedings in contentious cases that are brought before it (applications instituting proceedings and special agreements), and of applications for permission to intervene, declarations of intervention and requests for advisory opinions that it receives. In the period covered by the present report, one contentious case was submitted to the Court (see para. 4 above); the application instituting proceedings has been published.

250. The pleadings and other documents submitted to the Court in a case are published after the instruments instituting proceedings, in the series *Pleadings, Oral Arguments, Documents*. The volumes of this series, which now contain the full texts of the written pleadings, including annexes, as well as the verbatim reports of the public hearings, give practitioners a complete view of the arguments elaborated by the parties. Twelve volumes were published in this series in the period covered by the present report.

251. In the series *Acts and Documents concerning the Organization of the Court*, the Court publishes the instruments governing its organization, functioning and judicial practice. The most recent edition, No. 6, which includes the Practice Directions adopted by the Court, came out in 2007. An offprint of the Rules of Court, as amended on 5 December 2000, is available in English and French. Those documents can also be found online on the Court's website, under the heading "Basic documents". Unofficial translations of the Rules of Court are also available in the other official languages of the United Nations and in German, and may be found on the Court's website.

252. The Court issues press releases and summaries of its decisions.

253. A special, lavishly illustrated book entitled *The Permanent Court of International Justice* was published in 2012. This trilingual publication, in English,

French and Spanish, was produced by the Registry of the Court to mark the ninetieth anniversary of the inauguration of its predecessor. It joins *The Illustrated Book of the International Court of Justice*, published in 2006, an updated version of which will be released to mark the seventieth anniversary of the Court, which will be celebrated in 2016.

254. The Court also publishes a handbook intended to facilitate a better understanding of the history, organization, jurisdiction, procedures and jurisprudence of the Court. The sixth, fully updated, edition of this handbook was published in 2014, in the Court's two official languages, and will subsequently be translated into the other official languages of the United Nations and into German.

255. In addition, the Court produces a general information booklet in the form of questions and answers. This booklet, which has been fully updated, will be published in the second half of 2015 in the two official languages of the Court, and will subsequently be translated into the other official languages of the United Nations and into Dutch.

256. Finally, the Registry collaborates with the Secretariat by providing it with summaries of the Court's decisions, which it produces in English and French, for translation and publication in all the other official languages of the United Nations. The publication of the *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice* in each of those languages by the Secretariat fulfils a vital educational function throughout the world and offers the general public much greater access to the essential content of the Court's decisions, which are otherwise available only in English and French.

B. Film about the Court

257. During the period under review, which saw triennial elections to the Court, the Registry updated its film about the International Court of Justice. Produced in English and French in 2009, the film has been available in 12 languages since 2013: in the six official languages of the United Nations, as well as in Dutch, German, Italian, Korean, Norwegian and Vietnamese. Preparations are currently underway for a number of other versions, with the assistance of various embassies, the United Nations Department of Public Information and its regional centres in Brussels and Nairobi. The script has already been translated into Danish, Finnish, Greek, Hebrew, Hindi, Icelandic, Polish, Portuguese and Swedish, while other language versions are in preparation or under consideration (Farsi, Japanese, Swahili, Turkish and sign language).

258. The film is readily available online, on the Court's website and on the United Nations Web TV site. It has also been made available to the Department of Public Information and its Audiovisual Library of International Law, and to the United Nations Institute for Training and Research.

259. Copies of the DVD are regularly presented to distinguished visitors and to the many groups that come to the Court every year. The DVD is also given, on request, to diplomatic missions, the media and educational establishments. It was distributed to the States Members of the United Nations in October 2013, on the occasion of the presentation of the annual report of the Court to the General Assembly. The 2016

version of the film is scheduled to be released to mark the seventieth anniversary of the Court's inaugural sitting on 18 April 1946.

260. Preparations are being made for another film which will provide a thematic overview of the Court's work since 1946 and will be entitled *"The International Court of Justice: 70 Years in the Service of Peace, 1946-2016"*.

C. Online resources and services

261. In 2015, the Court took the decision to use certain social media networks in order to attract more visitors to its website and raise awareness of its activities.

262. Work began in parallel, in 2014, on a major technical overhaul of the Court's website, which should be completed by early 2016. The main objective of this phase of work is to make the site compatible with mobile devices (by implementing responsive design for smartphones and tablets) and more readable by search engines, by using search engine optimization techniques. Taken in anticipation of the seventieth anniversary of the Court, those measures are intended to increase online consultation of the Court's decisions and to encourage visitors to look at photographs and videos of the Court in action.

263. Since the end of 2009, the Court has been providing full live (web streaming) and recorded (VOD) coverage of its public sittings on its website. Those recordings have been available for standard viewing on a computer screen since 2009 and for mobile viewing on smartphones and tablets since 2013. They are also broadcast live and as on demand webcasts on United Nations Web TV. This visibility is made possible through close collaboration between the Registry of the Court and the Department of Public Information.

264. In addition, the Court's website provides access to all its decisions (judgments, opinions and orders), the principal documents from the written and oral proceedings in all cases, past and present, as well as a number of reference documents (including the Charter of the United Nations, the Statute of the Court, the Rules of Court and Practice Directions).

265. The website also contains the biographies of the judges and the Registrar, all of the Court's press releases since its establishment, and general information (on the Court's history and procedure, the organization and functioning of the Registry), a calendar of hearings, an "Employment" section, the catalogue of publications and various online forms (for those wishing to attend hearings or presentations on the activities of the Court, receive its press releases, apply for an internship or put specific questions to the Registry).

266. The "Press room" page provides online access to all the necessary information for reporters wishing to cover the Court's activities, including (since the end of 2009) audio files (MP3), videos (Flash, MPEG2, MPEG4) and photographs (JPEG) from the most recent public hearings. Thanks to the cooperation of the Department of Public Information, the Court's photographs have also been available on the UN Photo website since 2011.

267. While the main website of the Court is available in its two official languages, English and French, many documents (basic texts, summaries of cases since 1946

and the Court's film) can also be found in Arabic, Chinese, Spanish and Russian on the dedicated pages accessible through the home page of the main site.

D. Museum

268. In 1999, the Secretary-General of the United Nations inaugurated the Museum of the International Court of Justice in the south wing of the Peace Palace. Work on its reorganization and modernization will begin in the second half of 2015, and the newly refurbished museum will be inaugurated during the seventieth anniversary celebrations of the Court in April 2016.

Chapter VIII
Finances of the Court

A. Method of covering expenditure

269. In accordance with Article 33 of the Statute of the Court, "[t]he expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly". As the budget of the Court has been incorporated into the budget of the United Nations, Member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments decided by the General Assembly.

270. Following the established practice, sums derived from staff assessment, sales of publications, bank interest and other credits are recorded as United Nations income.

B. Drafting of the budget

271. In accordance with articles 24 to 28 of the revised Instructions for the Registry, a preliminary draft budget is prepared by the Registrar. This preliminary draft is submitted to the Budgetary and Administrative Committee of the Court for its consideration, and then to the full Court for approval.

272. Once approved, the draft budget is forwarded to the Secretariat for incorporation into the draft budget of the United Nations. It is then examined by the Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of decisions concerning the budget of the United Nations.

C. Budget implementation

273. The Registrar is responsible for implementing the budget, with the assistance of the Finance Division. The Registrar has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget. He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority. In accordance with a decision of the Court, the Registrar regularly communicates a statement of accounts to the Budgetary and Administrative Committee of the Court.

274. The accounts of the Court are audited every year by the Board of Auditors appointed by the General Assembly. At the end of each month, the closed accounts are forwarded to the Secretariat of the United Nations.

D. Revised budget of the Court for the biennium 2014 2015

(United States dollars)

Programme	
Members of the Court	
0393902 Emoluments	7 778 400
0311025 Allowances for various expenses	1 304 100
0311023 Pensions	4 344 500
0393909 Duty allowance: judges ad hoc	1 228 300
2042302 Travel on official business	51 100
Subtotal	**14 706 400**
Registry	
0110000 Permanent posts	18 653 900
0170000 Temporary posts for the biennium	234 400
0200000 Common staff costs	7 073 100
1540000 After-service medical and associated costs	541 800
0211014 Representation allowance	7 200
1210000 Temporary assistance for meetings	1 676 200
1310000 General temporary assistance	286 200
1410000 Consultants	217 800
1510000 Overtime	103 600
2042302 Official travel	47 500
0454501 Hospitality	20 700
Subtotal	**28 862 400**
Programme support	
3030000 External translation	444 400
3050000 Printing	596 000
3070000 Data-processing services	1 012 400
4010000 Rental/maintenance of premises	3 426 100
4030000 Rental of furniture and equipment	366 500
4040000 Communications	207 200
4060000 Maintenance of furniture and equipment	133 500
4090000 Miscellaneous services	43 400
5000000 Supplies and materials	504 800
5030000 Library books and supplies	241 300
6000000 Furniture and equipment	310 400
6025041 Acquisition of office automation equipment	160 400
6025042 Replacement of office automation equipment	282 800
6040000 Vehicles	105 100
Subtotal	**7 834 300**
Total	**51 403 100**

275. More comprehensive information on the work of the Court during the period under review is available on its website. It will also be found in the *Yearbook 2014-2015*, to be published in due course.

(*Signed*) Ronny **Abraham**
President of the International
Court of Justice

The Hague, 1 August 2015

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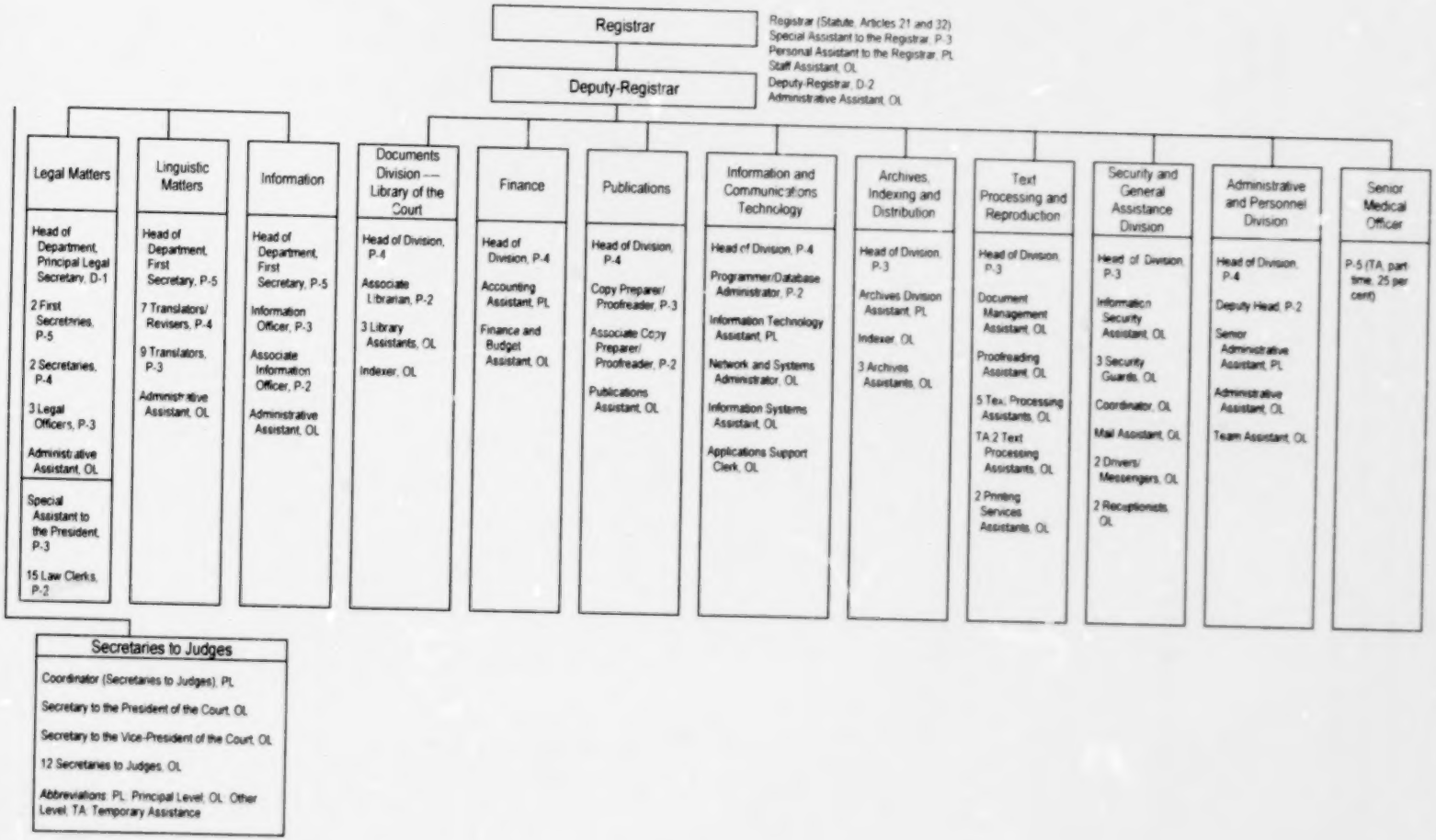
Annex

International Court of Justice: Organizational structure and post distribution of the Registry as at 31 July 2015


Registrar
Registrar (Statute, Articles 21 and 32)
Special Assistant to the Registrar, P-3
Personal Assistant to the Registrar, PL
Staff Assistant, OL
Deputy-Registrar
Deputy-Registrar, D-2
Administrative Assistant, OL
Legal Matters
Head of Department, Principal Legal Secretary, D-1
2 First Secretaries, P-5
2 Secretaries, P-4
3 Legal Officers, P-3
Administrative Assistant, OL
Special Assistant to the President, P-3
15 Law Clerks, P-2
Linguistic Matters
Head of Department, First Secretary, P-5
7 Translators/ Revisers, P-4
9 Translators, P-3
Administrative Assistant, OL
Information
Head of Department, First Secretary, P-5
Information Officer, P-3
Associate Information Officer, P-2
Administrative Assistant, OL
Documents Division — Library of the Court
Head of Division, P-4
Associate Librarian, P-2
3 Library Assistants, OL
Indexer, OL
Finance
Head of Division, P-4
Accounting Assistant, PL
Finance and Budget Assistant, OL
Publications
Head of Division, P-4
Copy Preparer/ Proofreader, P-3
Associate Copy Preparer/ Proofreader, P-2
Publications Assistant, OL
Information and Communications Technology
Head of Division, P-4
Programmer/Database Administrator, P-2
Information Technology Assistant, PL
Network and Systems Administrator, OL
Information Systems Assistant, OL
Applications Support Clerk, OL
Archives, Indexing and Distribution
Head of Division, P-3
Archives Division Assistant, PL
Indexer, OL
3 Archives Assistants, OL
Text Processing and Reproduction
Head of Division, P-3
Document Management Assistant, OL
Proofreading Assistant, OL
5 Text Processing Assistants, OL
TA 2 Text Processing Assistants, OL
2 Printing Services Assistants, OL
Security and General Assistance Division
Head of Division, P-3
Information Security Assistant, OL
3 Security Guards, OL
Coordinator, OL
Mail Assistant, OL
2 Drivers/ Messengers, OL
2 Receptionists, OL
Administrative and Personnel Division
Head of Division, P-4
Deputy Head, P-2
Senior Administrative Assistant, PL
Administrative Assistant, OL
Team Assistant, OL
Senior Medical Officer
P-5 (TA, part time, 25 per cent)
Secretaries to Judges
Coordinator (Secretaries to Judges), PL
Secretary to the President of the Court, OL
Secretary to the Vice-President of the Court, OL
12 Secretaries to Judges, OL
Abbreviations: PL, Principal Level; OL, Other Level; TA, Temporary Assistance